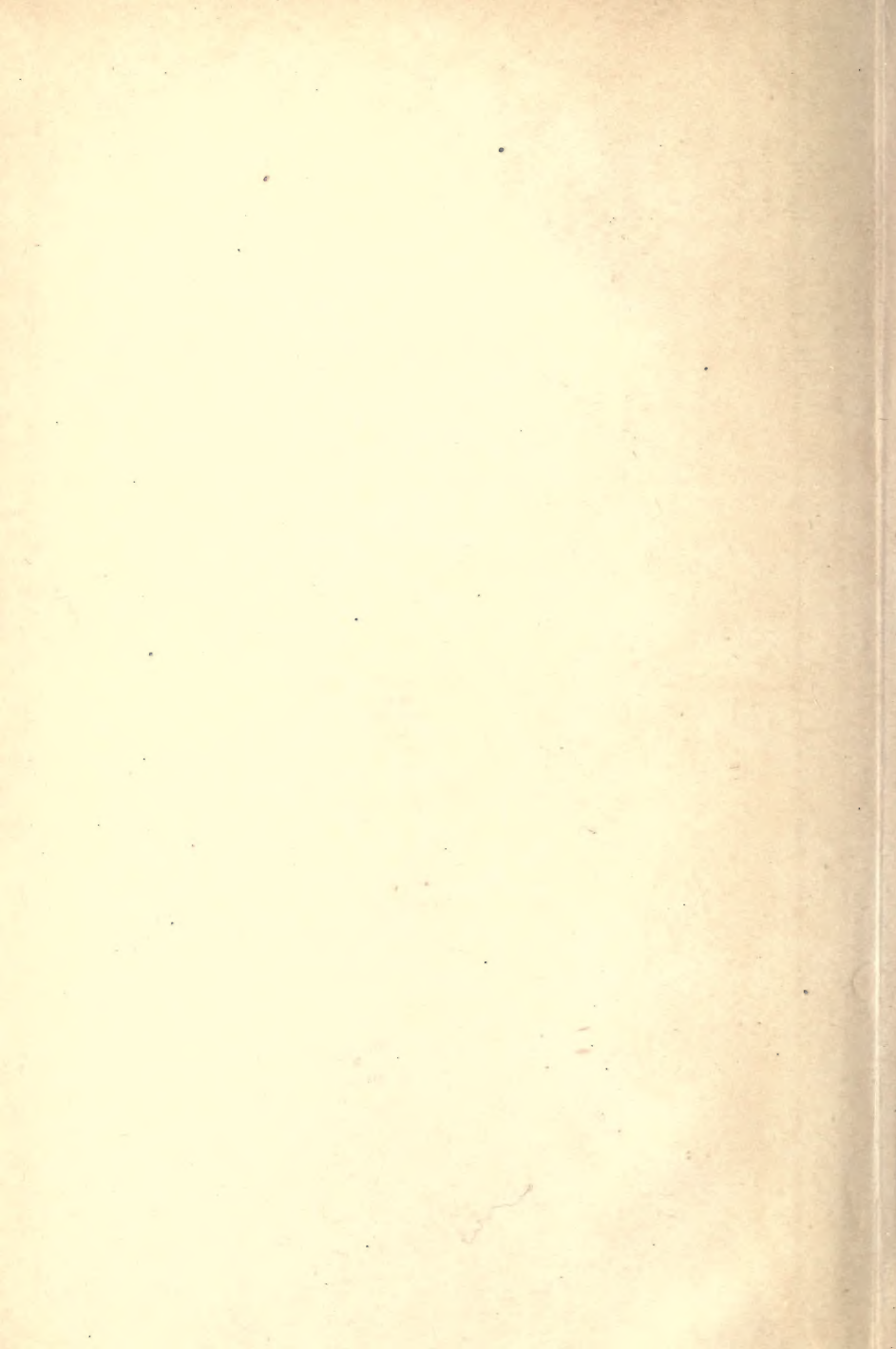




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PENNSYLVANIA ARCHIVES.

Fourth Series.

PAPERS OF THE GOVERNORS.



Att an. Assembly held at Philad^a 1st 1st
The Governour and freemen in
Month One Thousand Six Hundred Eighty Eight have
justice and concurrence of the freemen in Assembly
in the form and stile of a law, then and there to be con-
sidered for most

Be it Enacted by the Authority aforesaid, that
said Province and Territories sh^{all} be divided into Quarters
made at Philadelphia by the Generall Assembly in the County of
said place in the Eighth Month 1688 And in November 1688
and a hundred days continued to stand and be in force and
and twenty days of November and no longer except in the
Paragaphs of additional laws of the said Province

Be it Enacted by the Authority aforesaid, that
Commodities above the Value of Eighteene pounds for the for
that rate, and they that receive or take more shall for the
the whole Year and no longer.

Be it Enacted by the Authority aforesaid, that
the Province or Territories and sh^{all} be left or shall be
Appropriation of the Governours Council to improve the
Children, to make Sale of such parts or tracts of the said
of such Just Deeds, the Education of such Child or Child
the Estate to their advantage, And that this Law continue

Forasmuch as by a Law made at Upland 1688
and limitations as therein expressed for the full and more
Enacted that all Lands whatsoever and howsoever
the Arms Exercised or Administered with this our proviso that the
it chiefly seated may not be disposed to Sale till the
the owner or any other may endeavour to
there shall be by the best and discreet Men of the
the Land shall be quiet and as a free and clear Estate to the
Declar, provided also that a full Justice be allowed to
said time of Sale and satisfaction, provided also that the
Law continue for and whole Year till the rising of the

[illegible]

Archives of the Secretary of the
Commonwealth.

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PENNSYLVANIA ARCHIVES

Fourth Series

EDITED BY

GEORGE EDWARD REED, LL.D.

UNDER THE DIRECTION OF

HON. W. W. GRIEST

SECRETARY OF THE COMMONWEALTH.

VOLUME V.

PAPERS OF THE GOVERNORS.

1817-1832.



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AN ENGROSSED ACT OF 1688. Reduced
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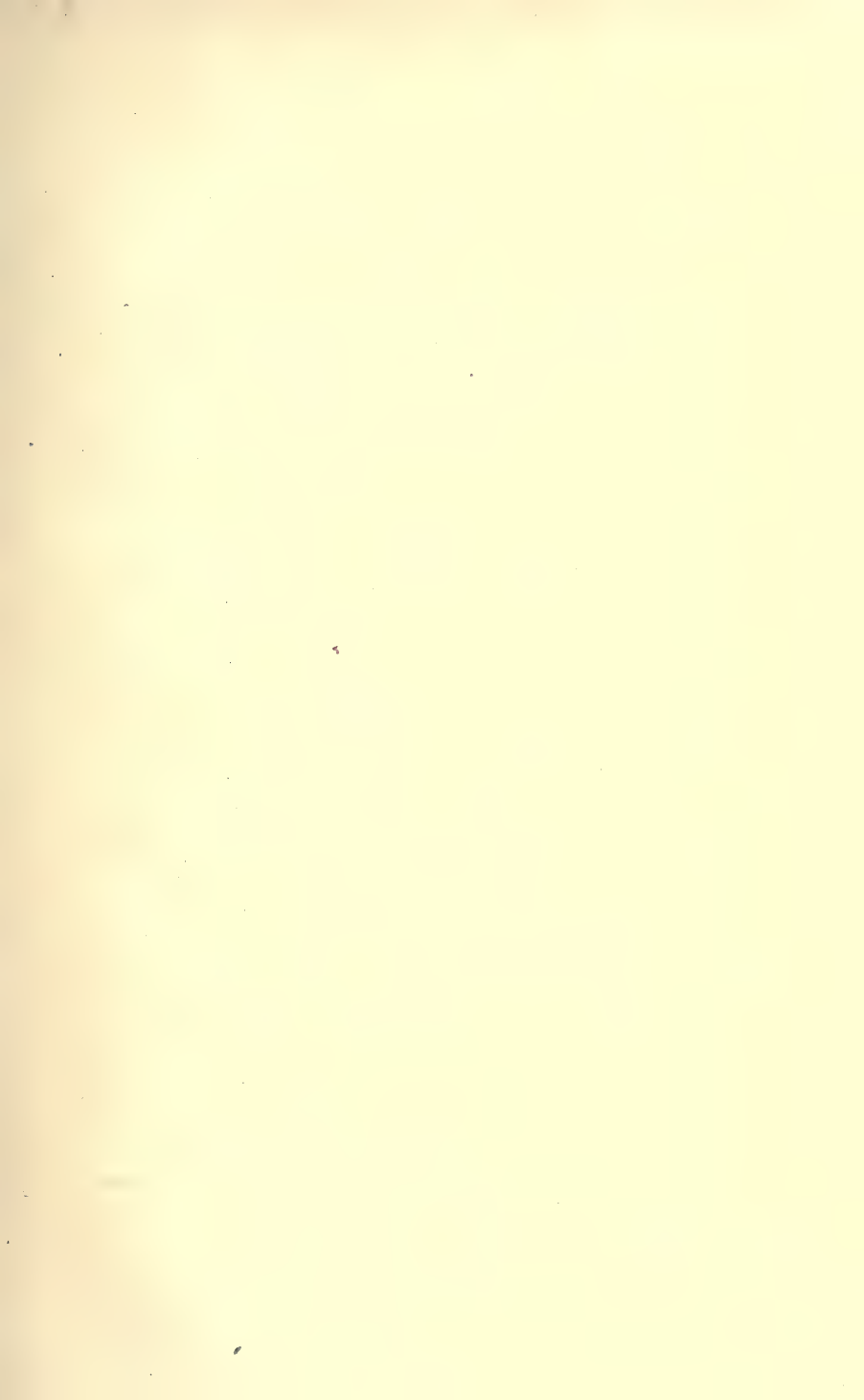
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Wm Findlay

WILLIAM FINDLAY.
Governor of the Common-
wealth.
1817-1820.

(1)

1—Vol. V—4th Ser.



PENNSYLVANIA ARCHIVES

Fourth Series.

Chapter I.

WILLIAM FINDLAY.

Governor of the Commonwealth.

1817-1820.

ORIGINALLY INTENDED FOR THE LAW, William Findlay, born at Mercersburg in 1768, was diverted from that profession by the pecuniary embarrassments of his father which rendered the necessary collegiate training impossible. He proceeded to devote himself to agriculture, with careful attention also to such educational branches as contributed to make him an intelligent and competent public official in all grades of public service. His political career opened up at an early age in his appointment as Major and Brigade Inspector of Militia, and in 1797 he was elected to the Legislature, to which he was again chosen in 1803, retaining the office until 1807. In 1799 he proposed the permanent location of the State Capitol at Harrisburg, a proposition which failed at the time but which was successful in 1812, thirteen year later. In 1807 he resigned his seat in the Legis-

lature in order to enter upon the duties of Treasurer of the Commonwealth.

The Treasury of the State occupied his attention for nearly eleven years, during which he administered the office with singular fidelity and ability. This was a most critical period in the currency of this country, which was flooded with depreciated paper bills of a value varying from a fair percentage to nothing. In spite of great care upon the part of the Treasury officials, not less than seven hundred dollars of currency, afterwards discovered to be worthless, had been foisted upon the State. This loss Mr. Findlay promptly supplied out of his own pocket, but the Legislature, learning of the incident, immediately refunded the amount to him, thus testifying in a most delicate and conclusive manner to his integrity and efficiency.

In 1817 he was elected Governor upon the Republican ticket. At this time the mining interests of the State began to come to the front and their development was vastly assisted by the inauguration of extensive improvements in river navigation, by which the products of the mines obtained ready access to the markets of the country. He began the building of the State Capitol at Harrisburg, the corner stone being laid by his hand. In 1820 a political revolution brought the candidate of the opposing party into the governorship and Mr. Findlay retired to private life.

He was not permitted long to enjoy the *otium cum dignitate* which he had so richly earned, for two years later he was elected to the United States Senate. At the end of his term of office he was appointed Treas-

urer of the United States Mint at Philadelphia, an office which he resigned in 1841 in order to pass in retirement the remainder of a life so large a portion of which had been freely given to the service of the Commonwealth. He died at Harrisburg in 1846, his term of office as Governor having extended from December 16, 1817, to December 19, 1820.

Proclamation announcing Election as Governor of Pennsylvania and continuing all Officers under the Executive in their respective Offices for the term of Four Months.

Pennsylvania, ss:



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. By WILLIAM FINDLAY, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, the speaker and members of the Senate and the speaker and members of the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, have duly certified that the said speaker of the Senate did, on the fifteenth day of December, instant, in the chamber of the House of Representatives, in the borough of Harrisburg, open and publish the returns of the late election of a Governor of the said Commonwealth; and that upon counting the votes, by a teller appointed from each house, it appeared that William Findlay had a majority of votes; Whereupon, the said William Findlay was declared to be duly elected Governor of the said Commonwealth, and having first taken the oaths of office, was accordingly on the sixteenth day of December, proclaimed Governor thereof.

Now, in pursuance of the power and trust of the governor of this Commonwealth, by the constitution and laws granted and confided, and for preventing all failures in the administration of justice: I, the said William Findlay, have deemed it expedient to issue this Proclamation, hereby confirming and continuing all appointments made, and all commissions heretofore lawfully issued, for the term of four months from the date of these presents, unless the said appointments

and commissions shall be sooner superseded and annulled.

And I do further direct and enjoin all public officials engaged in the several departments of the government, to proceed with diligence and fidelity in the performance and execution of their respective stations, so as most effectually to promote and secure the interest, peace and safety of the Commonwealth.

Given under my hand and the Great Seal of the State at Harrisburg, the sixteenth day of December in the year of our Lord, one thousand eight hundred and seventeen, and of the Commonwealth the forty-second.

[Signed] WILLIAM FINDLAY.

By the Governor.

Thomas Sergeant,

Secretary of the Commonwealth.

Inaugural Address to the Assembly—1817.

Friends and Fellow-Citizens,

IN ENTERING UPON THE DISCHARGE OF those duties to which I have been called by the voice of the people, I avail myself of the opportunity now presented, to return to them, through you, my acknowledgments for this distinguished mark of their favour and confidence. Sensible, as I am, of the arduous duties, and high responsibilities, imposed by the constitution and laws on the executive magistrate of our State, I shall not expect to discharge them without having occasion to rely on the continuance of that favour and confidence, and to solicit indulgence for such imperfections as may occur. An exemption from error, it were presumption to expect; but whatever can be effected by an ardent attachment to our

republican institutions, by a zeal in the performance of duty, strengthened by those solemn sanctions which you have just witnessed, and from an entire devotion of my best abilities and untiring industry to the public welfare, I may confidently promise. With the exertion of these, aided by your wisdom, patriotism and friendly dispositions, a kind Providence, I humbly trust, will continue to dispense to our beloved country, those blessings, by which it has hitherto been so pre-eminently distinguished.

I cannot but felicitate myself, when I reflect on the auspiciousness of the period, at which the task of administering those duties has been assigned to me. I am cheered by the recollection, that I shall have the advantage of the example of my distinguished predecessor, who has filled the chair of state for the constitutional term, with signal fidelity and success. Through a period of uncommon national difficulty & embarrassment, terminating at length in war, this state has fulfilled her duty to the nation, free from the influence of sectional prejudice and local jealousy, while in her interior, the march of improvement has been both steady and rapid. In the mean time, the general government has been so wisely conducted, as to have advanced the interests, and eminently secured the confidence of its citizens. It is at peace at home and abroad, and its character respected by all nations.

These results furnish new proofs of the efficiency of a republican government. Founded on the popular will, and administered by agents of the people's choice, it has ceased to be a matter of experiment, but has proved itself competent to the demands of peace, and the exigencies of war—to the preservation of the general weal, and the diffusion of private happiness.

Thanks to the wisdom, the patriotism and the valor of our ancestors, it is not left to us, fellow citizens, to purchase our liberties at the price of our blood. To

them, under the guidance of the Great Arbiter of nations, we are indebted for manifold blessings; yet there remains to us a wide field for usefulness, demanding the employment of our best faculties. Pennsylvania as well from her locality, as from her population and resources, forms an important member of the union, and her measures thence derive a powerful influence. It becomes us, then, in a spirit of conciliation and forbearance, with harmony of design, and unity of action, to endeavor to render ourselves worthy of the high trust to which we are called, and of the continued devotion to her cause, and by cultivating with care those means we possess of advancing the general interests.

To accelerate the progress of internal improvement, and thereby unite the whole state in one common bond of interest; to uphold, by all our energy, the liberty and independence of our country; to guard the rights of every citizen of the commonwealth; to maintain the legitimate sovereignty of the state, on the one hand, whilst, on the other, we perform with fidelity our federal obligations; to provide for the general dissemination of knowledge; to advance by salutary regulations, the prosperity of agriculture, manufactures and commerce, so far as they fall within the pale of state legislation; to render the administration of justice easy, expeditious and satisfactory; to establish an efficient militia system; to encourage those arts that supply and assist life; to cherish, by our example, the purity and beauty of the religion of the Redeemer, the only steadfast basis of that morality on which republics are founded; and to transmit, untarnished and undiminished, to our posterity, those sacred principles of liberty and equal rights which we inherited from our fathers—these are some of the labors that remain for us to perform, and that our country has a right to expect at our hands.

I renew to you, fellow citizens, my solemn pledge of a determination to devote myself to the public good, and afford, to the full extent of the executive powers, a ready co-operation in all measures calculated to promote the peace, happiness and liberty of our constituents.

WILLIAM FINDLAY.

Harrisburg, December 16, 1817.

To the Assembly announcing the Appointment of Thomas Sergeant as Secretary of the Commonwealth.

Gentlemen,

IT IS PROPER TO INFORM YOU THAT I HAVE this day appointed and commissioned Thomas Sergeant, to be secretary of the commonwealth.

WILLIAM FINDLAY.

December 16, 1817.

To the Assembly Transmitting Certain Documents.

Gentlemen,

THE COMMISSIONERS APPOINTED BY AN act of the General Assembly, passed on the 25th of March, 1817, to meet commissioners from the state of New Jersey, in relation to the navigation of the river Delaware, have transmitted a report on the subject; copies of which, the Secretary of the Commonwealth will lay before the respective houses, accompanied by copies of the correspondence therein referred to.

WILLIAM FINDLAY.

Harrisburg, January 5, 1818.

Philadelphia, Dec. 24, 1817.

His Excellency William Findlay,

Governor of the Commonwealth of Pennsylvania.

Sir—Inclosed is the report of the commissioners of the state of Pennsylvania, appointed to meet commissioners of the state of New Jersey, to settle certain differences between the two states. As the act under which they acted, did not direct to whom the report should be made, the commissioners presumed that it must be to the Governor of the state, they therefore directed me to enclose it to your excellency.

I am, with great respect,

Your excellency's

Most obedient servant,

[Signed] Cadw. Evans, jun.

His Excellency William Findlay,

Governor of the Commonwealth of Pennsylvania.

Sir—The undersigned commissioners appointed by, and under the authority of an act of the legislature of the Commonwealth of Pennsylvania, entitled "An act appointing commissioners for settling certain differences between this state and the state of New Jersey," passed the 25th day of March last, have the honor to report to your excellency, that for the purpose of arranging their plans, in execution of the powers vested in them by the said act of assembly, the commissioners therein named met at Easton on the 15th day of June last, and adjourned to meet by appointment the commissioners of the state of New Jersey, at Trenton, on the 1st day of July following.—The commissioners of Pennsylvania met at Trenton according to appointment. One of the commissioners of New Jersey only attended; and as he was not authorized to proceed in the business without the concurrence of one or more of his colleagues, the board adjourned to meet at Easton on the 8th day of September following.

Shortly before this period Mr. Sitgreaves resigned, and Mr. John Ross was appointed in his stead; who, with the two remaining commissioners named in the act, met the commissioners of New Jersey at the time and place appointed, and from thence proceeded up the river in boats as far as Bellevue to examine the wing dams in the river above Easton; from thence they went down the river and examined all the dams to the Great falls at Trenton, inclusive.

They found that from the Great falls at Trenton to the Foul rift, a distance of about sixty miles, nineteen dams were erected. That nine of these dams are upon the Pennsylvania shore, and ten on that of New Jersey; eight of which are supposed to have been erected without authority from that state, two of them have however been authorised by their legislature, viz. One at the Foul rift, under an act passed the 1st day of February, 1814; the other at the Great Falls, near Trenton, under an act passed the 4th day of February, 1815, and supplement thereto passed the 10th day of February, 1816; and in addition to these the legislature of that state have authorised the erection of two others, viz. One at the falls near Assinpink creek, by an act passed November 29, 1809, this is probably superceded by the act of the 4th of February, 1815; the other at Howells' falls, by an act passed January 24, 1814—this act has not been carried into effect.

The dams which have been erected on the Pennsylvania shore, are situated as follows, viz. One in the county of Northampton, in Philipsburg falls, a little below the junction of the Lehigh river with the Delaware—a grist mill in operation and owned by Christian Bixler. Eight in the county of Bucks, viz. One in Durham falls eight miles below Easton, a saw mill is here erected, but not in operation, owned by Jacob Raub—one in Lynn's falls twelve miles below Easton, a saw mill in operation and owned by Samuel Lippen-

cut—one in Nockamixon falls thirteen miles below Easton, a saw mill owned by Benjamin Williams is erected here, but is not in operation—one in Cut-bitch falls twenty-two miles below Easton, the establishment here is a grist mill, saw mill, an extensive smith shop with a tilt hammer and two pair of smiths bellows, all in complete operation by water power, and owned by Joseph Smith—one in Bulls' falls twenty-four miles below Easton, a saw mill in operation and owned by Kemble Skelton—one in Howell's falls twenty-nine miles below Easton, a grist and saw mill in operation and owned by John L. Johnson—one at or in the Horse race channel thirty-four miles below Easton, a saw mill in operation, and an oil mill in considerable forwardness, owned by Corryelle and Maris—and one at Trenton falls near Morrisville, at the head of the tide water forty-eight miles below Easton, a grist mill and saw mill in operation, and owned by James Vanuxem—this dam and Joseph Smith's dam were erected before the ratification of the compact between the two states; both wings have however been considerably extended into the river since the period of their first erection.

The dams on the New Jersey shore are situated as follows, viz. One at the Foul rift falls twelve miles above Easton, a saw mill is erected here and in operation, owned by John Sherlock—one at the head of an island four miles above Easton, a saw mill has been erected at this dam, but appears to be abandoned, it is owned by Charles Bauchman—one other short dam about the middle of the same island, where a cut is made through, upon which a saw mill is built and in operation, owned by Clarke and Winters—one in Durham falls eight miles below Easton, a saw mill erected but not in operation, and owned by Henry Quinn—one in Lynn's falls twelve miles below Easton, connecting an island on the New Jersey side with one on the Penn-

sylvania side, here a saw mill is erected on an island under the jurisdiction of New Jersey, owned by Kraus and Fackenthall—one in Tumbling dam falls twenty-two miles below Easton, a saw mill in operation and owned by Jacob Coogler—one in Reading's falls twenty-eight miles below Easton, a saw mill in operation, and owned by Reading and Beatty—one in Well's falls thirty-four miles below Easton, a grist and saw mill in operation and owned by Hugh Ely and Company: this dam was erected previous to the revolutionary war—one other dam in the same falls, with a saw mill in operation, owned by John Coryelle—one in the Great falls near Trenton, sixty miles below the Foul rift, with a saw mill in operation and owned by Daniel W. Coxe.

Some of those dams on each side of the river are injurious to the descending as well as the ascending navigation—others do not injure the passage of boats or rafts going down the river, but are extremely injurious to the passage of boats going up. In ascending the river, the current in the channel is so strong, that the ascending boats are conducted near the shore, sometimes on one side of the river and sometimes on the other, so as to have the advantage of eddies and a more gentle current.

Thus then these wing dams, which are all extended more or less into the river, and some of them to the main channel, where no alternative is left for the boats passing up the river, but to go round the wings, where the rapidity of the current is so great in some places, that it requires a double number of men to accomplish it, and greatly injures the navigation. This is strongly exemplified in the Trenton falls, where Mr. Coxe's dam on the one side, extending from the New Jersey shore to Yard's island, and Mr. Vanuxem's on the other, extending from the head of Morrisville island on the Pennsylvania side, their uniting is only prevented by

the main channel, which is about one hundred feet wide. Before Mr. Coxe's dam was erected, the boats (unless when the water was extremely low) ascended the river between Yard's island and the New Jersey shore, where the current was moderate, and where they could avail themselves of the eddies near the shore; but now, that dam completely intercepts that channel, so that no boat can ascend or descend that way. It may be proper also in this place to remark that in descending the river at these falls, rafts of timber, boards, scantling, &c., which are floated down the Delaware in great numbers, and to an incalculable amount, are liable (and frequently have been) in despite of all the exertions of the raft men to be thrown by the set of the current or a westerly wind into Mr. Coxe's dam, from which they cannot be extricated by the owners, who are therefore obliged to sell their lumber or produce at any price that can be obtained; thus losing the benefit of that competition which they might reasonably promise themselves at the port of their destination.

After viewing the dams, the commissioners met in the council chamber at Trenton; at the opening of this meeting the undersigned requested the commissioners of New Jersey to disclose their propositions for amicably settling the controversy between the two states, which they explicitly refused, stating, that as Pennsylvania was the complainant, it rested with the commissioners of that state to exhibit the ground of complaint, and the redress that was expected.

The undersigned stated as the cause of their complaint, that the legislature of New Jersey had passed sundry acts authorising the building of dams in the river Delaware, which greatly injured the navigation of that river, and in direct violation of the compact of 1788 between the two states. That they required of the commissioners of New Jersey a repeal

of the said laws; or that the dams should be so altered as not to injure the navigation, and that the force and validity of the said compact should be acknowledged.

The commissioners from New Jersey replied that each state had a right to authorise the building of wing dams, which did not materially injure the navigation, and that Pennsylvania as well as New Jersey had erected dams in the river; and that the former state ought to have put down the dams that were upon its own shore, before it complained of the latter.

The undersigned rejoined that Pennsylvania had in no case authorised the building of wing dams in the Delaware, but had refused every application that had been made for that purpose; that although it was true that dams had been erected on the Pennsylvania shore, yet they were unauthorised and might be put down by New Jersey or Pennsylvania at any time which either state might think proper; and that the latter state would put them down unless they could be put under such regulations as would be agreeable to both states. That the conduct of New Jersey was widely different, inasmuch as that state had passed laws expressly authorising the erection of dams in the river, and now contended for the right to do it; and at the same time admitting that the dam at Trenton was injurious to the navigation and ought not to have been built, the undersigned contended, that as the compact of 1773, declared that the river should be a public highway the whole breadth thereof, the occupation of a considerable part of that breadth, and a part too, which was commonly used for navigation, was a direct breach of that compact. That as Pennsylvania had a right, under the compact of 1783, to prostrate all the dams which injured the navigation, and as that was an important right for the preservation of the essential interests of a large portion of her citizens, she would not agree to relinquish it. That by laying the dams

under regulations, which would render them harmless, all difficulties might be obviated; and in doing this, Pennsylvania would ask for nothing, but what should be common to both states.

The commissioners from New Jersey then requested that all communications should be in writing; and contended that the undersigned should, as representing the complainant, offer the first proposition. The undersigned, anxious to effect the object of their appointment, submitted; although they apprehended that as New Jersey was the aggressor, it would have discovered a more amicable disposition in that State, to have made the first overture. The undersigned opened the correspondence with a letter containing the following propositions, viz:

1. "That the agreement signed by the commissioners of the two states, on the 26th day of April, 1783, and afterwards ratified by New Jersey as well as by Pennsylvania, is obligatory upon them in all parts.

2. "That under that agreement the river Delaware, in the whole length and breadth thereof, so far as the same divides the two states, is, and shall continue a highway, free and open for the common benefit and advantage of the contracting parties.

3. "That the two states have a concurrent jurisdiction over the said river from shore to shore.

4. "That after the ratification of that agreement, neither state had a right to exercise a separate jurisdiction, in any manner calculated to injure the navigation of the said river.

5. "That all laws passed by either state without the concurrence of the other to authorise the erection of wing dams, which would in any degree injure the navigation of the said river, either in ascending or descending the same, is an infraction of the said agreement."

The undersigned added, that "if the commissioners on the part of New Jersey, should agree with the undersigned in the foregoing positions, the commissioners of Pennsylvania will be prepared to enter more fully into a discussion of the subjects referred to them." (See document marked No. 1.)

To this letter the commissioners of New Jersey answered, that to the first proposition they agreed. That as the second and third propositions were embraced in the first, a separate recognition was not necessary. And in answer to the fourth and fifth propositions, they entered into a course of reasoning, which if admitted, would render nugatory the compact of 1783. They contended, too, that the soil of the river, to the midway thereof at least, above the tideway, belonged to the owners of lands adjoining, and not to the two states. (See document No. 2.)—To this letter the undersigned replied. (See document No. 3.)—And the commissioners of New Jersey rejoined. (See document No. 4.)—The undersigned then requested a personal conference, which was agreed to by the commissioners of New Jersey. At this conference the following propositions were agreed to unanimously by the commissioners of the two states:

1. "That the construction of the agreement of 1873, should have been such as to have required the assent of both states to authorise the erection of a dam on either shore; that such construction would have best preserved a free and open navigation of the river from the injurious and pernicious effects of wing dams, which is a growing evil.

2. "That no wing dam for creating or encreasing water power shall hereafter be erected in the river Delaware, without the consent of both states.

3. "That the wing dams now erected, shall be so regulated as not to obstruct the navigation of the river, and effectual provision made in the said agreement, to ensure a faithful execution of the same.

4. "That the dams shall be prostrated, if the owners do not comply with the provisions that shall be agreed upon.

5. "That if the two states should hereafter agree to improve the navigation of the Delaware, the dams now erected shall be no obstruction to such improvement."

The two boards of commissioners then agreed to adjourn for a few days, to afford time for digesting a plan to carry their agreement into effect. On the 17th of October the commissioners met at New Hope, in pursuance of their adjournment; the undersigned having previously forwarded to the New Jersey commissioners a plan which appeared to them calculated to answer the purposes intended. (See document No. 5.)

The commissioners of New Jersey objected to that plan as requiring too much of the owners of dams, and putting it in the power of Pennsylvania by appointing commissioners, who would not agree to any report to prostrate all the dams at pleasure. That some of the dams required more alterations than others; and that they were not competent to judge of the alterations that ought to be made. They then presented a counter project. (See document No. 6).

The undersigned contended that the state of Pennsylvania could have no disposition to destroy the dams, if they were so altered as to form no obstruction to the navigation of the river; that under the compact of 1783, between the two states, either state had a right to prostrate all the dams on the river without the consent or co-operation of the other; yet from a disposition to favour the owners of dams as far as was consistent with the security of the navigation and from courtesy to the state of New Jersey, Pennsylvania had agreed to appoint commissioners for the purpose of meeting that state to prescribe such regulations, as would if practicable protect the owners of dams and at the same time secure the navigation of the river—

that nothing could be more futile than, to suppose that Pennsylvania would in direct opposition to the interest of her citizens, and in violation of her faith, refuse to sanction all the dams which should be altered, conformably to the proposed plan.

The undersigned stated, that the locks and slopes required by their project, were in conformity with what is required in Pennsylvania, of those who obtain permission to erect dams, in navigable rivers. The persons obtaining such permission, must, in most cases, and upon their own responsibility, build locks through which boats may at all times safely pass, and make slopes to the dams for the passage of rafts. If Pennsylvania required this of her own citizens, who respectfully applied for permission to erect dams, could it be expected she would allow, upon more favorable terms, strangers to keep up dams which had been erected in defiance of her authority, and in violation of her sacred rights under the compact? All that was required, was to put locks and slopes in the dams, so that boats and rafts might safely and conveniently pass; of their sufficiency there was no difficulty in judging; the passing and repassing of a boat, and the passage of a raft would decide the question. And of the propriety of such a requisition there could not be a reasonable doubt, when the immense advantages which the owners of the dams derived from the water power they obtained, was duly considered.

The undersigned agreed to the alterations proposed by the New Jersey commissioners to the preamble of the Pennsylvania project, but objected to other parts of their counter project, as referring to other commissioners, that which was enjoined upon us; that the wing dams would remain, however great the nuisance, until the commissioners should have agreed upon the alterations; that it would be putting it in the power of the New Jersey commissioners to defeat the object

of the agreement, by refusing to agree to any alterations, except such as were wholly inadequate to all useful and necessary purposes; that this was not an improbable event, inasmuch as that state had, by her legislative acts, authorised the erection of some of the dams complained of; that now her pride, and perhaps she might think her dignity, required that she should establish by indirect means, what she had attempted in a direct way.

That in case the commissioners to be appointed under the counter project offered by New Jersey, should agree in the alterations to be made in the dams, and the owners should not make the alterations prescribed, then the delinquents must be proceeded against according to the laws of the state first taking cognizance of the cause. Now this provision would put in the power of a designing individual, to procure a prosecution in his own state, by some of his own friends, without any notice to the adverse state, and by a mock trial, secure his dam from all future enquiry; inasmuch as his own court having first taken cognizance of the cause, the judgment which that court may have entered, would be conclusive, and the right to keep up the dam be established, however injurious it might be to navigation.

The undersigned objected to that part of the New Jersey project, which provides that the owners of dams who do not conform to such regulations as should be laid down, should be proceeded against in the courts of either state, as and for a public nuisance: it was believed that no practical good could result from such a provision. No person could be prosecuted to conviction without appearing to answer the charge, or being served with a process to do so; and no mode could be devised by the state, to compel a person residing in New Jersey, to appear and plead to any prosecution, which would or ought to be applicable to the

citizens at large; that the offender had nothing to do, but reside beyond the reach of the process of Pennsylvania, to prevent her from exercising any jurisdiction whatsoever upon the subject.

From the best judgment which the undersigned could form of the New Jersey project, they concluded that it was calculated to procrastinate the dispute, and that its effects would be to sanction the dams so much complained of. For, if commissioners were appointed according to that project, their commissioners might, after having spent much time upon the subject, say, they were not competent to judge of the alterations necessary to be made in the dams, or might make any other convenient excuse for not agreeing with the commissioners of Pennsylvania; other commissioners must then be appointed, who might pursue some devious course, which would prevent any thing effectual from being done, and thus keeping up the obstructions to the navigation until Pennsylvania should be worried into submission. That judging from the course which New Jersey has hitherto pursued, it was fair to presume, that this would be her future policy. Thus placing Pennsylvania in a worse situation than she at present stands with respect to her right of removing nuisances in the river.

The New Jersey commissioners appearing determined not to give up their project, the undersigned proposed that the commissioners from the two states, should recommend it to the legislatures of their respective states, to state a case embracing the subject of the present controversy, for the decision of the supreme court of the United States. This proposition was instantly rejected by the commissioners of New Jersey.

The undersigned then proposed to adjust the dispute respecting Mr. Coxe's dam, at the Great falls near Trenton, and if they succeeded in that, then to proceed

with the rest of the dams. For this purpose they presented a project. (See document marked No. 7.)

The New Jersey commissioners agreed to the proposed regulations in the dam, but objected to certain other parts of the project, inasmuch, as under them, it would be in the power of Pennsylvania to pass laws for prostrating the dam in question, without a judicial investigation.

The undersigned replied, that as the general laws of the state would not reach the case; that none which could be passed, that would be suitable for the state at large, would be effectual in the case of a dam on the New Jersey shore, it might become necessary to pass special laws upon the subject, for the purpose of effectuating the agreement. That it was discovering an unreasonable jealousy of Pennsylvania, that she would take the arbitrary course apprehended by the commissioners of New Jersey, unless required by such circumstances as rendered it indispensable. That it was impossible to foresee what laws would be necessary for enforcing an observance of the regulations agreed upon. That if Pennsylvania agreed to tolerate a dam, authorised by New Jersey, in violation of the compact of 1783, and in defiance of a solemn protest of the legislature of Pennsylvania, and under regulations which never would have induced her to have assented to the erection, she ought to have a complete recognition of her right to prostrate the same, in such manner as she should deem proper, on any neglect of, or non-compliance with the terms upon which she had assented to its continuance. The justice, the forbearance, the rights and the dignity of the state of Pennsylvania, imperiously required such a recognition on the part of New Jersey.

The undersigned commissioners therefore proposed to agree upon a continuance of this dam, on terms far more moderate than they would have assented to its

erection, on a condition, however, which, if not complied with, either state might have a right to prostrate it, in such manner as it should judge most proper. This was expressly rejected by the commissioners of New Jersey, they declaring in the most unqualified terms, that they could not consent to leave the rights of their citizens to the mercy of Pennsylvania, without the intervention of trial by jury. Thus claiming the power of controuling Pennsylvania, in the manner in which she shall exercise her right; a right which will only be exercised by the state which is aggrieved, and which must be at the expense of removing the nuisance.

The undersigned having taken their resolution not to relinquish the important right of Pennsylvania, to enact such laws as she might think necessary to abate nuisances in the Delaware, and to execute them in her own way; and the New Jersey commissioners peremptorily refusing to agree to any terms, unless this right was given up, the negotiation was here, and on this point, broken off.

It is worthy of remark, that during the whole negotiation, not a single proposition for settling the controversy, was made by the commissioners of New Jersey, unless their counter project may be considered such; but which the undersigned believed was better calculated for delay, and for fostering the controversy, than for an adjustment of the dispute.

After most deliberately considering the immense importance of the navigation of the Delaware, to a large portion of the people of Pennsylvania; the great impediment to that navigation, placed in the river under the authority of an act of the legislature of New Jersey, in the face of the rights and the authority of the state of Pennsylvania, and in opposition to a solemn protest of the legislature thereof, and after duly weighing the indisposition of the commissioners of that state

to afford relief to the injuries occasioned thereby (although they themselves acknowledged it was considerable, and ought not to have been placed there) the undersigned did not for a moment hesitate in taking the course which they have represented.

The undersigned will take the liberty of adding, that, although it is very desirable to preserve the mills on the river, as far as can be done with safety to the navigation, yet, as the injury done in that way by the wing dams is very great, and yearly increasing, they are unanimously of opinion, that unless the state of Pennsylvania takes prompt and decisive measures to protect its own rights, the navigation of the river Delaware will in a short time not be worth protecting.

We have the honor to be,

With great respect, sir,

Your excellency's

Most obedient serv'ts,

[Signed] Cadw. Evans, Jr.

William Erwin,

John Ross.

December 18th, 1817.

(No. 1.)

Trenton, September 15, 1817.

Gentlemen:

The undersigned commissioners appointed by and under the authority of an act of the legislature of Pennsylvania, entitled "An act appointing commissioners for settling certain differences between this state and the state of New Jersey," passed the 25th day of March, 1817, deem it important to a satisfactory adjustment of the controversy between the two states, that there should be a perfect understanding between their respective commissioners on the following points:

1. That the agreement signed by their commissioners on the 26th day of April, 1783, and afterwards rati-

fied by New Jersey as well as Pennsylvania, is obligatory upon them in all its parts.

2. That under that agreement the river Delaware in the whole length and breadth thereof, so far as the same divides the two states, is and shall continue a highway, free and open for the common benefit and advantage of the contracting parties.

3. That the two states have a concurrent jurisdiction over said river from shore to shore.

4. That after the ratification of that agreement, neither state had a right to exercise a separate jurisdiction in any manner calculated to injure the navigation of the said river.

5. That all laws passed by either state without the concurrence of the other, to authorise the erection of wing dams which would in any degree injure the navigation of the said river, either in ascending or descending the same, is an infraction of the said agreement. If the commissioners on the part of New Jersey should agree with the undersigned in the foregoing position, the commissioners of Pennsylvania will be prepared to enter more fully upon a discussion of the subject referred to them.

We are, gentlemen,

With great respect,

Your obedient servants,

(Signed)

Cadw. Evans, jun.

Wm. Erwin.

John Ross.

(No. 2.)

Trenton, September 15, 1817.

Gentlemen:

In answer to your communication of this morning we beg leave to observe:

1. We admit that the agreement signed by the commissioners of the two states on the 26th day of April, 1783, and afterwards ratified by New Jersey as well

as Pennsylvania, is obligatory on them in all its parts; and further, that the legislatures of Pennsylvania and New Jersey, and also the citizens of the respective states are bound in good faith to observe its provisions.

2. That as to the second and third propositions contained in your communications, we answer, that they are embraced in the agreement of 1783, and form a part thereof, and as we admit that agreement in all its parts, we do not perceive any use in a separate recognition of them.

3. As to the fourth and fifth propositions contained in your communication, we answer, it appears to us that the respective legislatures of Pennsylvania and New Jersey, notwithstanding the agreement of 1783, have a right to give their assent to, and to regulate by law the erection on their respective shores all useful piers, docks, wharves, banks, and even mill dams, or other buildings for the beneficial use of the respective shores; but that in the exercise of this authority they are bound as well by public law as the agreement of 1783, to preserve the navigation of the river. We consider the agreement of 1783 nothing more than a declaration that the river Delaware within the limits prescribed then, was and should continue to be a public navigable river in contradistinction to a private river, and that it must be subject to the same law, as all other navigable rivers that are deemed public highways—we apprehend it to be a mistaken opinion, however extensively it may have spread itself, that the whole bed of the river is sacred and cannot be touched without a violation of the right of the states we represent; the soil of the river to the midway thereof, at least at and above the falls of Trenton, if not below, is vested by law in the owners of the adjoining land. It is true the same principles of law that vests this private right in the owners of the adjacent soil, also

vests in the public the right of unobstructed navigation—we admit that the private right must be so exercised as not to injure the public right of navigation. It is not every erection on the bed of the river that becomes a nuisance, and to me construed as a violation of the agreement of 1783; if this was the case, all the piers and docks erected in the river must be destroyed. Docks and wharves judiciously placed on the river are useful to commerce, in which case they are innocent and lawful erections, but should they become so far extended as to obstruct navigation, they would become public nuisances, be unlawful, and liable to prostration. We apply the same reasoning to mill dams and all other erections on the river. Their lawfulness or unlawfulness depends on the fact, whether they are, or are not obstructions to navigation. We have been the more particular in disclosing our opinions on this head, that we might enable you at one view to understand the reasoning that led to certain legislative acts of New Jersey, relative to wing dams.

We have the honor to be, gentlemen,

With great respect,

Your obedient servants,

[Signed] William S. Pennington.

David Thompson, jun.

Ellet Tucker.

Cadwallader Evans, jun.

William Erwin, &

John Ross, Esq's.

(No. 3.)

Trenton, September 16, 1817.

Gentlemen:

Last evening we received your letter of the 15th, in answer to ours of the same date.

We had the honor of stating to you in that letter of the agreement of the two states in 1783, that it was

apprehended no objection could arise to their adoption, except that they admitted a separate legislation in the states respectively, in cases where the navigation of the river could not be in any degree injured. This exception is indeed very questionable, and could only be admitted in cases so obvious that no doubt could exist as to the fact of their not being injurious to the navigation; and that too, subject to judicial investigation in the adverse state. And as it could not, according to the present views of New Jersey, comport with her policy to object to this exception, we had every reason to expect a cordial acceptance of all the propositions in their full extent.

To our first proposition, you say, that you admit that the agreement of 1783 is obligatory on the two states, in all its parts. And to the second and third propositions you agree as being embraced by the first.

To our fourth and fifth propositions you reply by a course of reasoning which we will notice by the following remarks:

By admitting our first, second and third propositions, you have admitted that the two states have a concurrent jurisdiction over the said river, the whole breadth thereof, from shore to shore, in all cases; except those which are expressly excepted in the said agreement. For it is a sound rule of construction founded in good sense, that all instruments of writing whether between states or individuals, containing a general grant of rights or powers, with certain exceptions, conveys everything within the boundary of that grant, except what is expressly excepted—now as the erections alluded to are within the boundary over which a concurrent jurisdiction of the two states is given, and as there is no exception of wing dams to that concurrent power, it will follow that they are exclusively subject to that concurrent authority, and that no separate legislation can be exercised over them. It is true,

that in your answers to our fourth and fifth propositions, you enter into a course of reasoning to show that each state had a separate legislative authority, in cases that you had just admitted was within the concurrent jurisdiction of the two states—thus admitting a principle and then reasoning it away. You state that the agreement of 1783 was nothing more than a declaration that the river Delaware should continue to be a public navigable river in contradistinction to a private river. If that was the only effect of that agreement, it was an useless instrument; for in the year 1771, that is twelve years before this agreement was entered into, the states of Pennsylvania and New Jersey had declared that river a public highway. But independent of this act of the two states, it was a public highway from the first settlement of the country. The distinction that it is taken in England between tide and fresh water rivers, does not obtain here. In that country their rivers are small, admitting only of a very insignificant navigation; but in this country, the fresh water rivers are large admitting the passage of boats into the heart of a great continent; hence the policy of these governments, in adjudging all rivers public highways, which are used for boat navigation.

The lands and rivers now comprehended by Pennsylvania and New Jersey, belonged to one common sovereign, who granted that part which lies on the east side of the Delaware to one subject, and that on the opposite side to another subject, who, by separate grant was entitled to the bed of the river Delaware; yet it was never pretended by him, that this separate grant gave him the exclusive navigation of that river. Indeed it is so interwoven with the system and policy of our governments, that great rivers should be public highways, that we never understood there was any doubt upon the subject in Pennsylvania, even before

the year 1771. The act of that year declared it a highway, yet it was not passed to satisfy the people of Pennsylvania, who had not doubts upon the subject, but to satisfy the people of New Jersey, who were subscribing their money, for the purpose of improving the navigation of that river. But even if the river was not a highway before the year 1771, yet after the two states declared it so in that year, no doubt could be entertained upon the subject. The agreement then, of 1783, must have meant something more than making the river a highway, as you have supposed.

You state that the soil of the river, to the midway thereof, is vested in the owners of the adjoining lands. We ask, by what conveyance, or what law? Not by the virtue of the patent to the first proprietor of New Jersey; for that grant was limited by the eastern bank of the river. Not by the convention of 1783; nor by any other concurrent act of the two states; nor by any other law, statute or national, that has come to our knowledge.

It will not be contended that because this land adjoins the river, the owners have a right to its bed; for the common law principle is, that no man has a right beyond his boundary, and of course, that he who is bounded by the shore, cannot go to the middle of the river. This being a settled principle of law, and having no kind of evidence of any grant to the inhabitants of New Jersey, beyond the margin of the river, we are utterly at a loss to understand how you will show that their right extends to the middle of the stream.

You say you have disclosed your opinions, for the purpose of showing the course of reasoning which led to certain acts of the legislature of New Jersey, authorising the erection of wing dams in the Delaware. We did not ask you to concede, that dams which were not injurious to the navigation, were a violation of the compact of 1783, but that such were so, as did injure

the navigation. Now if the wing dams, the erection of which were authorised by the legislature of New Jersey, were not in any degree injurious to the navigation, then your reasoning was wholly unnecessary. But if your reasoning was necessary, it was because the dams were injurious.

It therefore becomes peculiarly proper, that we should clearly understand one another upon this subject. Our propositions are void of ambiguity, and are as unexceptionable as we are able to make them. We therefore request explicit answers to them.

We have the honor to be, gentlemen,

With great respect,

Your obedient servants,

(Signed)

Cadw. Evans, jun.

William Erwin.

John Ross.

(No. 4.)

Trenton, September 17th, 1817.

Gentlemen:

We supposed that we had answered your propositions so distinctly, that no further explanation would have been required. If our answer was not explicit, we think it occasioned by the ambiguous nature of the propositions themselves. We stated as our opinion, that the legislature of either state, may, without any infraction of the agreement of 1783, authorise the erection of such useful improvements on their respective shores, as do not actually injure the navigation of the river; and we conceded that such erections as do actually injure the navigation of the river, are unlawful.

On a more particular examination of your first communication, we find that you qualified your fourth proposition as follows: "In any manner calculated to injure the navigation of the river;" and your fifth by these words, "which would in any degree injure the

navigation of the said river." Notwithstanding the seeming particularity of these qualifications, yet they are capable of so uncertain an interpretation, that they are calculated to obscure, rather than elucidate the subject, and if adopted, would, in our opinion, lead to fresh matters of controversy. Whether an act about to be done, is calculated in any degree to produce a certain effect, may be a proper subject of philosophical investigation, but is, in our opinion, too speculative a question for practical subjects; we must therefore decline further explanation on these points. In your communication of last evening, you seem to infer that we have admitted certain principles respecting a concurrent jurisdiction on the river Delaware.

We admitted the instrument of 1783, which speaks a language on that subject too plain to be misunderstood, and therefore needs no explanation. We beg you, gentlemen, not to take admissions by construction and inference.

When we speak of the agreement of 1783, as being nothing more than a declaration, that the river Delaware was a public highway, we only meant that part of the agreement that relates to the navigation of the river: we well know, that the principle object of the convention was to settle the jurisdiction.

Whether the English doctrine, conferring the bed of the river to the midway thereof, on the owners of the adjacent soil, is adopted in this country, or not, is a question wholly immaterial in the present inquiry. Whether it is in the owners of the adjoining land, or the representatives of the original proprietors, or the state, is a question to be settled in each state, by the laws thereof, and has no bearing on the subject under investigation. It is sufficient that it is in one or another of them. We contend that the agreement of 1783 did not touch the soil, but was confined to questions of jurisdiction and navigation, and that the bed

of the river Delaware, to the midway thereof, from the first settlement of the country to this hour, has belonged to the state of New Jersey, or some of the citizens thereof, and that the commonwealth of Pennsylvania never had, and as we believe, never pretended to have any title thereto.

We have the honor to be, gentlemen,

With great respect,

Your obedient servants,

[Signed] William S. Pennington,

David Thompson, jun.

Ellet Tucker.

Cadwallader Evans, jun.

William Erwin,

John Ross, Esqr's.

(No. 5.)

ARTICLES OF AGREEMENT

Made and concluded the _____ day of

A. D. 1817, between commissioners of the commonwealth of Pennsylvania, and commissioners of the state of New Jersey: Whereas disputes have arisen between the commonwealth of Pennsylvania, and the state of New Jersey, respecting the passage and operation of a certain act of the legislature of New Jersey, passed on the 4th day of February, 1815, to enable Daniel W. Coxe, Samuel Wright, jun. and Peter T. Smith, to erect a wing dam on river Delaware, and of the supplement thereto, passed on the 16th day of February, 1816. And whereas, the said states have appointed the undersigned their commissioners respectively, to settle all the matters of complaint between the said states, respecting the passage and operation of the said acts of the legislature of New Jersey, and also respecting all wing dams erected and placed in the said river, with or

without legislative permission, and to define with precision and certainty the rights of the respective states, to authorise the erection of dams and other works within the waters of the said river, for objects of public utility and benefit.

Now, for the accomplishing the objects of their appointment, the said commissioners do agree, for, and on behalf of their respective states, in manner following, that is to say:

1. That the agreement between the two states, signed by their commissioners respectively, on the 26th day of April, 1783, ought to have been so construed, as to have required the assent of both states, to any act authorising the erection of any wing dam, on either shore of the river Delaware; that such construction would have best preserved the navigation of the said river from the pernicious effects of wing dams, which are increasing in number and in injury to an alarming extent.

2. That no wing or other dam, for creating or increasing water power, shall hereafter be erected in the said river, without the consent of the legislatures of both states; but neither state is to be prevented from the erection of any dams, for the sole purpose of improving, and to the exclusive use of, the navigation of the said river.

3. That the owners, possessors, or occupiers of any water works, for the use of which any wing or other dam, upon the said river, hath heretofore been erected, with or without legislative permission, shall, within twelve months from the date of this agreement, erect and place in such dam, a good and convenient lock, at least feet in length, and feet in width, and shall forever thereafter keep the same in good and perfect order and repair; and from the said lock, shall open and forever keep free from obstruction, a good and sufficient boat channel below

such lock, to the usual boat channel of the said river, so that boats may at all times safely and conveniently pass and repass up and down through such channels and locks. And the owners, possessors and occupiers of such water works, shall attend and open the locks, for the passage of boats through the same, without any let or hindrance, and without charge of any kind. That the said dams shall, moreover be so altered by the owners, possessors or occupiers of the water works connected therewith, as that thirty feet in width, in the most suitable place for navigation, shall be twelve inches lower than any other part of such dam; and with a slope so formed, as to contract or confine the water, and to extend down the river four feet for every foot the dam shall be in height, which shall also forever thereafter be kept in good order and repair, by the owners or occupiers of the water works connected therewith—but nothing herein contained shall be construed to countenance any dam which shall be injurious to the property of others, by back-watering the same.

4. That within twelve months from the date of this agreement, each state shall appoint three commissioners, who shall view all the wing and other dams heretofore created, together with the locks and other improvements herein to be made; and also the boat channels forming a communication between the locks and the usual boat channel in the river; and if their report should not be that the same is made according to the provisions of this agreement, or if the said improvements should not at all times thereafter be kept in good order and repair, and attended, as is herein directed, such wing and other dams may, under the judicial authority of either state, be abated as a public nuisance; Provided nevertheless, That where dams on both sides of the said river shall be so nearly opposite to each other, as that a lock in either will an-

swer all the purposes of a lock in each, and the owners of the water works, to which such dams are attached, shall agree upon a plan of erecting and supporting such lock, and shall represent the same to the executive of each state, then and in such case, each state shall appoint three commissioners to view the place proposed for such lock, together with the plan thereof; and if approved by a majority of the commissioners of each state, and so certified under their hands to both states, then, and in such case, the erection of a lock in the dam on the opposite side of the river, may be dispensed with; Provided, That the lock so erected shall be completed, and shall pass the inspection and approbation of the commissioners, which shall be appointed to view the locks and improvements in the wing dams upon this river.

5. That if the contracting parties to this agreement shall hereafter agree upon any plan for the improvement of the navigation of the said river, the dams now erected shall not be an obstruction to such improvement, nor shall the owners of the water works attached to the same be entitled to any compensation for damages which they may sustain, by the execution of any plan of improvement so agreed to be made.

6. That if any person shall hereafter erect, or place in the said river, any wing or other dam, or shall extend any that has heretofore been erected, such person, being convicted thereof, in either of the states, which shall take cognizance thereof, shall suffer months imprisonment at hard labor, and such dam shall be abated as a public nuisance, at the expense of the party offending. And it is hereby agreed, the said states shall have co-ordinate judicial authority over all the wing and other dams, locks, sluices, and other improvements herein directed to be made, or which shall hereafter be erected, and of all offences committed against this agreement; and each state

shall have power to try all offenders found between the shores of the said river, or within the territorial jurisdiction of the state taking cognizance of the offence.

7. That this agreement, and every article and clause therein contained, shall be suspended and take no effect, until each of the legislatures of the states of Pennsylvania and New Jersey, shall have passed laws approving of and ratifying the same, which being done, the said agreement shall be considered a joint compact between the said states, and the citizens thereof respectively, and be forever thereafter irrevocable by either of the said contracting states, without the concurrence of the other.

(No. 6.)

Propositions.

Of the commissioners of New Jersey, presented October 17th.

Adopt the first preamble by Pennsylvania and add the following:

And whereas, the aforesaid commissioners have viewed the said river Delaware, and shores thereof, and find sundry wing dams erected on both sides of the said river, and the lands lying in the same, the larger number of which forming obstructions to the navigation of the river, and materially injuring the same, and that the erecting of wing dams, for creating or increasing water power, and extending such as have already been erected, have a direct tendency to injure the navigation of the river, and a pernicious influence upon the commerce depending thereon. That a liberal construction of the first article of the agreement between the states of Pennsylvania and New Jersey, of the 26th of April, 1783, and the safest and most satisfactory practice under it, would have

1. The second article of the Pennsylvania proposition, to make the first.

2. That three commissioners shall be appointed in each state, to view each and every wing dam now erected on the river Delaware, either with or without legislative authority; and after examining the same, the said commissioners, or a majority of them, shall give directions in writing, to the owners, possessors or occupiers of any wing dam now erected in the said river, requiring him, her, or them, by a certain day then to come, not less than _____ months from the time of such notice, to make such reasonable alterations and improvements in said wing dams, by causing locks, slopes, or other works particularly pointed out by such directions to be made, as will cause the said wing dams to do the least possible injury to the navigation of the said river, and in case the owner, possessor or occupier of said wing dam, so to alter or improve the same, shall not comply with the direction of the commissioners so delivered them in writing by the time named in such direction, or shall afterwards neglect to keep such wing dam in such repair, the said wing dam so directed to be repaired, may

be deemed a public nuisance, and be liable to be proceeded against as such, in the courts of either the state of Pennsylvania or New Jersey, which shall first take cognizance of the same, and the offender or offenders punished, and the nuisance prostrated according to the laws of the state which shall first take cognizance of the offence, in such case in force, for the punishment and prostration of public nuisances. And it is hereby agreed that each state shall enjoy and exercise concurrent jurisdiction and authority, for the purpose of punishing and prostrating nuisances in the said Delaware river, in the same manner, as though the said river was in the body of the county bounding on the same.

3. That in case any wing dam shall be hereafter erected in the said Delaware river, without the concurrent assent of the legislatures of the respective states parties to this agreement, or any wing dam now subsisting in said river, shall be extended beyond the space it now occupies, without like assent, such new erected wing dams and the extended parts of those now subsisting, shall be deemed public nuisances and liable to be proceeded against as such, and the offenders punished and nuisances prostrated, in the manner pointed out in the foregoing article.

4. The fifth article of Pennsylvania to constitute this article.

5. Whereas the principles of public law, and the agreement between the two states of the 26th of April, 1783, hereinafter confirmed by this agreement, concur in declaring the river Delaware a public highway, yet the right of the respective states to regulate their respective shores, by erecting docks, wharves, piers, embankments of meadows, and other objects of public utility and benefit, is not thereby taken away; but the right in each state to authorise such erections for public utility and benefit, is subordinate to the public

right of navigation. Whenever therefore, in the exercise of this subordinate right, the river Delaware shall become actually obstructed, the superior public right of navigation will be thereby infringed, and of consequence, the agreement between the states, of the 26th of April, 1783, violated. It is therefore agreed, that all and every erections on the river Delaware, of docks, wharves, piers, embankment of meadows, and other works for public utility and benefit, heretofore made and erected, which now is, or hereafter shall be, an actual obstruction to the navigation of the said river, shall be deemed public nuisances, and liable to be proceeded against as such, and the offenders punished, and the nuisances prostrated in the manner herein pointed out in the second article.

6. That nothing in this instrument shall be construed to weaken or in any manner impair the obligation of the several contracts entered into between the respective states of Pennsylvania and New Jersey, one on the 26th of April, 1783, and the other on the 2d of December, 1785, but that the said contracts be confirmed in all things, and held to be binding as fully and effectually as if this agreement had not been made or entered into.

In witness whereof, the said commissioners of the aforesaid states have set our hands and seals to two instruments of the agreement, one for each state, the day and year first above written.

(No. 7.)

That the owners, possessors or occupiers of the water works, for the use of which a wing or other dam in the river Delaware has been erected from the main land of Bloomsbury, in the county of Burlington, to Yard's island, shall within
months from the date of this agreement, erect and
place in the said dam a good and convenient lock at
least feet in length, and feet

in width, and shall during the continuance of the said dam keep the same in good and perfect order and repair, and from the said lock shall open, and keep free from obstruction during the continuance of the said dam, a good and convenient boat channel below such lock, to the usual boat channel of the said river, so that boats may at all times during the continuance of the said dam, when the water of the said river shall be two feet above low water mark, pass up from the said usual channel into the channel hereby directed to be made, and thence along the same to the lock hereby directed to be made, and thence through the said lock into the dam. And the owners, possessors and occupiers of such water works, shall attend and open the said lock at all times from the morning twilight until 8 o'clock in the evening, for the passage of boats through the same, without any let or hindrance, and without charge of any kind. That the said dam shall moreover be so altered by the owners, possessors or occupiers of the water works connected therewith, as that thirty feet in width in the most suitable place for navigation, shall be twelve inches lower than any other part of such dam, and with a slope so formed as to contract or confine the water, and to extend down the river four feet for every foot the dam is in height, which shall also during the continuance of the said dam be kept in good order and repair by the owners, possessors or occupiers of the said works. But nothing herein contained shall be construed to legalise the said dam, if it shall be injurious by back-watering the lands of others. That if the said lock, slope and boat channel shall not be made and kept in good order and repair, or the said lock should not be attended according to the provisions of this agreement, it shall and may be lawful for either or both states to abate the said dams as a public nuisance according to the existing laws, or to such as may hereafter be enacted.

To the Assembly approving certain Acts, and transmitting a Letter from the Corresponding Secretary of the American Antiquarian Society.

I HAVE THIS DAY APPROVED AND SIGNED the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the houses in which they respectively originated,, viz.:

* * * * *

I take this opportunity of laying before the respective houses, copies of a letter from Samuel M. Burnside of Massachusetts, Corresponding Secretary of the American Antiquarian Society.

WILLIAM FINDLAY.

Harrisburg, January 12, 1818.

Worcester, (Mass.), Dec. 17, 1817.

His Excellency William Findlay, Governor, &c. of Pennsylvania:

By direction of the American Antiquarian society, I have the honor to address your excellency, and through you the legislature of the state over which you preside. It is an important object of that institution, to collect and preserve, in one place, for the benefit of future ages, copies of all the public records of our common country, and also of each of the United States. In pursuance of this design, they have obtained from the congress of the United State, a grant of one copy of all the acts, public and private, including the journals of the national legislature. A similar grant has been also made by the legislature of this commonwealth.

In furtherance of our object, I am requested to solicit your legislature, through your excellency, to confer upon the society this favor, should they deem it consistent with the interest of their constituents.

I avail myself of the opportunity which the occasion presents, for expressing to your excellency the high respect, with which I subscribe myself,

Your obedient servant,

[Signed] Samuel M. Burnside,
Cor. Sec. A. A. Society.

To the Assembly Transmitting Certain Documents.

I HAVE DIRECTED TO BE LAID BEFORE YOU copies of a letter just received from the Governor of New Hampshire, with a resolution of the legislature of that state, on the subject of an amendment to the constitution of the United States, proposed by the legislature of the state of Georgia. Also copies of a letter addressed to me by J. P. De Gruchy, president of the Northumberland Bridge company, and of an extract from the minutes of the company.

I also transmit to you copies of a letter addressed to me by John Smith, marshal of the United States for the Pennsylvania district, requesting the interference of the legislature on behalf of himself and his deputies, in actions of trespass brought for the purpose of contesting their proceedings under the militia laws, so far as to exempt them from the necessity of giving bail.

WILLIAM FINDLAY.

Harrisburg, January 19, 1818.

State of New Hampshire.

Executive Department, Exeter, Sept. 15, 1815.

Sir: I transmit herewith a copy of a resolution of the legislature of this state on the subject of an amendment to the constitution of the United States, proposed by the legislature of the state of Georgia.

I have the honor to be,

Your excellency's most obedient serv't,

[Signed] J. T. Gilman.

His Excellency the Governor of Pennsylvania.

State of New Hampshire.

In Senate, June 28, 1815.

Resolved, That the amendment to the constitution of the United States proposed by the legislature of state of Georgia, reducing the term of service of the senators in congress from six to four years, be, and the same hereby is deemed inexpedient.

Resolved, That his excellency the Governor be requested to transmit a copy of this resolve to the executives of the several states.

Northumberland, January 5, 1818.

Sir—By order of the board of managers of the Northumberland bridge company, I have the honor to inclose an extract from their minutes with a short statement of the bridge accounts to this time, for your information and that of the legislature.

I have the honor to be,

With great respect, sir,

Your excellency's most obedient,

And most humble servant,

[Signed] J. P. De Gruchy, President N. B. C.

His Excellency Wm. Findlay, Esq., Governor, &c., &c.,
Harrisburg.

Extract from the minutes of the Northumberland
Bridge Company.

At a meeting of the Northumberland Bridge company, held at the house of the widow Taggart, on the 2d day of January, 1818, after taking into consideration the affairs of the company, and considering a communication made thereupon by the president to the board—it was unanimously

Resolved, That no dividend can be made for the year ending the first Monday of November, 1817.

That the following statement together with the preceding resolution shall be published for the information of the stockholders, and that a copy thereof shall be forwarded to the Governor to be laid before

the General Assembly of this commonwealth, signed by the president and countersigned by the treasurer.

The board of managers having from the commencement of this great work, endeavoured with the most faithful regard to the interest of the stockholders, so to conduct the affairs of the company as to ensure the building of the bridge in the first place, then to secure its permanence, and lastly to render the institution as productive to the stockholders as the nature of the case would admit, deem it a duty which they owe to themselves and to those who have entrusted them with the concern, to state briefly the accounts—and they will afford the reason why a dividend cannot be made at the present time, viz:

The stock subscribed amounted to, \$90,000 00

The disbursements to this time, . \$88,076 75

Over and above this sum the

board determined by their res-

olution 25th July last, that the

bridge should be painted as

the best means of preserving

it from decay, the expense of

which is estimated at 1,000 00

Advanced to Mr. Theodore Burr,

the bridge contractor, on his

bond, and holding as a collat-

eral security his 400 shares of

bridge stock, value \$10,000,

without which advance the

bridge after being so far fin-

ished would have rotted for

want of being covered, and

other necessary work, 6,000 00

In addition to these sums there

is a default of the subscription

to the stock of about 3,500 00

_____ 98,576 75

Leaving a deficiency of, \$8,576 75

The stockholders will perceive by this statement, that the board have been under the necessity of appropriating the nett proceeds of the tolls received the last year, which amounts to \$3,432.84, towards the current disbursements, and that unless the sums due to the company are paid, they must continue to appropriate the toll monies as received until the company is out of debt.

It is proper on behalf of the board to state, that the advances thus made was a case of absolute necessity, and that they are confident the company will not ultimately be losers by this advance as they must eventually, if Mr. Burr does not pay, become the proprietors of the 400 shares of stock held by him, as well as of the stock amounting to \$3,500, due by those subscribers who have made default.

In the event of the payment of the money so stated to be due to the company, the stockholders may rest assured that a dividend will immediately be made.

By order of the board,

[Signed] J. P. De Gruchy, President.

Attest—Jno. Boyd, Treasurer.

To His Excellency William Findlay, Governor of Pennsylvania:

Sir—As marshal of the United States for the Pennsylvania district; I beg leave to address myself to your excellency on a subject of great importance to both the federal and the state governments; but for the better ordering of which in certain particulars to which I have occasion to invite attention, it appears to me that the state legislature is more especially empowered, otherwise I should not take the liberty to address myself to you on this subject. You are no doubt informed of the general course of the recent proceedings in Pennsylvania for collecting fines assessed by courts martial on persons delinquent under

the militia laws in force during the late war. In some portions of this state, for the most part so patriotic and prompt with its services in the common cause of the country, an obstinate opposition has prevailed to the payment of the inconsiderable penalties imposed on the non-performance of the most sacred duties of good citizens. Not content with availing themselves of every supposed defect in the system as organized by law, delinquents persist in their resistance to it since the decision of the supreme court in the case of Houston against Dicks at Lancaster; and unless further provisions be enacted by the legislature in addition to such as already exist for the maintenance of the militia system, there is reason to apprehend its failure. It is therefore, sir, that this application is respectfully made to you, and through you to the legislature now in session, that the constituted authorities of the commonwealth may be informed how its laws are defeated, in order that they may provide such remedies as their wisdom may suggest.

It has been my fate, and that of several of my deputies, to incur many vexations and expensive suits for executing the final process of militia courts martial, a duty enjoined on us by acts of congress, confirmed by those of the state legislature. Relying on the protection of the judiciary, we have submitted to these actions with a resolution to abide implicitly by judicial determinations. But a state of things has now occurred, of which I think we have reason to complain as a grievance, and as such to represent it to the legislature for correction. From this representation no disrespect will be inferred, I trust, towards any department of the judiciary. None is intended or felt; and I shall be permitted, I flatter myself, without the imputation of it, to expose a public evil, in order that, if possible, it may be lawfully removed. Notwithstanding the solemn affirmance by the supreme court,

convened in special session last March at Lancaster, of the proceedings of a court martial, and those of my deputy in the execution of its sentence, similar actions for the like causes of action have been lately instituted and are sustained in a court of common pleas of this commonwealth; and I fear, unless checked by legislative interposition, many more of the same character will be attempted. Associations having been entered into, and money subscribed for the purpose. But what I think I have peculiar reason to complain of as a grievance is, that in these vexatious actions my deputies are compelled to give bail, and are subjected to arrest by the sheriff to the infinite inconvenience of public duty and service. I would never claim for myself or deputies any exemption or privilege from the common course of the administration of justice; and I entertain too sincere a respect for all the branches of government in my native state, to oppose the slightest obstacle to the operation of its laws.

But certainly it is hard, if just, that we should be harassed with suits for performing our duties, since the supreme court of the state by affirming our proceedings, have left us no option but to persevere in them; and I submit it to all as an aggravation of this hardship, that in such suits, under such circumstances, we should be arrested while on service, and forced to give bail to answer to claims sounding in mere vindictive damages.

I have been led to suppose that bail is not demandable in cases of trespass unless under very extraordinary circumstances. In the case of Duffield against me, (which was reported in the 6th vol. of Mr. Binney's Reports, page 302), it was adjudged by the supreme court after a deliberate examination of the matter, that the plaintiff could not hold me to bail in such a case, and by the 3d section of the act, entitled "An act for the regulation of the militia of this common

wealth," dated the 19th of March; 1816, it is furthermore declared that no action of trespass shall be sustained in any courts of record within this commonwealth, in consequence of any proceedings had by any courts martial or courts of appeal. What further provisions may be necessary or proper for preserving the militia system from degradation and destruction, it would be presumptuous in me to suggest. But after such a prohibition by the legislature as that I have just mentioned, and the several adjudications of the supreme court concerning the militia laws generally, and concerning bail in actions of trespass, against the officers of militia courts martial in particular, I rely on your indulgence, and that of the legislature, when I venture to intimate that it would be but a reasonable protection of such officers, including the marshal and his deputies, whose especial function it is to execute the final process of courts martial, to provide by law that they shall not be held to bail in actions of trespass brought to question their proceedings. I am not aware of any failure of justice to which such a provision would give rise; and I hope it will not be considered an unwarrantable request on my part that some such principle should be enacted with the sanction of legislative authority. Otherwise it would seem to be too little purpose that the highest judicial tribunal in the state has regulated this subject, while the courts of common pleas can renew and increase the public detriment.

It may be within the contemplation of the legislature to enter much further into the details of similar regulations for preserving the militia system. But it is not for me to anticipate their views. I have limited this appeal to the single evil particularly complained of; and I have refrained from inflaming the representation of that evil, with an account of any of the many incidental grievances which accompany its operation.

I request, sir, that you would be pleased to lay this communication before the legislature.

And I remain with great consideration and respect

Your most obedient and humble servant,

[Signed] John Smith, Marshal,

District of Pennsylvania.

To the Assembly approving certain Acts, and transmitting Certain Documents.

I HAVE THIS day approved and signed the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the houses respectively, in which they originated, viz:

* * * * *

I have directed to be laid before you copies of a letter from the Governor of North Carolina, with a resolution of the legislature of that state, on the subject of an amendment of the constitution of the United States, proposed by the General Assembly of the state of New Jersey.

I have also received a copy of the statutes of the state of Connecticut, now in force, and a resolution of the General Assembly of that state on the subject, of which I have directed copies to be transmitted to you.

WILLIAM FINDLAY.

Harrisburg, January 27, 1818.

Executive Office, N. C.

Raleigh, January 9, 1818.

Sir—In conformity with a request of the legislature of this state, I have the honor to transmit you the enclosed resolution.

With the highest respect,

I am your obedient servant,

[Signed] Jno. Branch.

His Excellency the Governor of Pennsylvania.

State of North Carolina.

In Senate, December 11, 1817.

The committee to whom was referred the amendment to the constitution of the United States, proposed by the General Assembly of the state of New Jersey: Report,

That they have had the same under consideration, and do recommend to the two houses the adoption of the following resolution:

Whereas, the General Assembly of the state of New Jersey hath proposed an amendment to the constitution of the United States in the words following, to wit:

“That for the purpose of choosing representatives in the congress of the United States, each state shall by its legislature be divided into a number of districts equal to the number of Representatives to which such state may be entitled—the districts shall be formed of contiguous territory, and contain as nearly as may be an equal number of inhabitants entitled by the constitution to be represented—in each district the qualified voters shall elect one representative and no more. That for the purpose of appointing electors for the president and vice president of the United States in each district to elect a representative in the congress of the United States, the persons qualified to vote for representatives shall appoint one elector and no more. The additional two electors to which each state is entitled, shall be appointed in such manner as the legislature thereof may direct. The electors when convened shall have power, in case any of them appointed as above prescribed, for giving their votes for president and vice president of the United States, to appoint another or others to act in the place of him or them so failing to attend. Neither the districts for choosing representatives, nor those for appointing

electors, shall be altered in any state until a census and apportionment of representatives under it subsequent to the division of the states into districts shall be made. The division of states into districts hereby provided for, shall take place immediately after this amendment shall be adopted, and afterwards whenever a census and apportionment of representatives under it shall be made. The division of each state into districts for the purpose both of choosing representatives and of appointing electors, shall be altered agreeable to the provisions of this amendment, and on no other occasion."

Resolved, by the Senate and House of Commons of the state of North Carolina, That our senators in the congress of the United States be instructed, and our representatives requested to endeavor to obtain the said amendment to the constitution of the United States.

Resolved, That his excellency the Governor of this state, be requested to forward a copy of the preceding resolution to each of our senators and representatives in the congress of the United States, and also to the Governors of the several states, with a request that the same be laid before their respective legislatures, for their consideration and adoption.

State of Connecticut.

At a General Assembly of the state of Connecticut, holden at New Haven in the said state, on the second Thursday of October, in the year of our Lord one thousand eight hundred and seventeen.

Resolved by this Assembly, That the secretary of state be directed to transmit a copy of the statutes of this state now in force, and which may hereafter be published, to the executives of each of the states in the union; and to request of such executives a copy of the statutes of such states respectively.

Resolved also, That a like copy be transmitted to the president of the United States, and to each of the heads of departments.

State of Connecticut.

Secretary's Office, January 15, 1818.

Sir—In obedience to the foregoing resolutions, I have the honor to transmit to your excellency a copy of the statutes of this state, now in force and to request of your excellency a like copy of the statutes of the state over which you preside, for the use of this state.

I am, very respectfully,

Your excellency's obedient servant,

[Signed] Thomas Day, Secretary.

His Excellency the Governor of the state of Pennsylvania.

To the Assembly approving certain Acts, and transmitting Certain Documents.

I HAVE THIS DAY APPROVED AND SIGNED the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the houses in which they respectively originated, viz:

* * * * *

I have directed to be laid before you copies of a report made to me by the commissioners appointed by the late Governor, under the authority of an act of the General Assembly of the 22d of March last, to view and examine the route of the contemplated canal, to

connect the waters of the Seneca Lake and Tioga river, in the state of New York—together with the estimate of the expense of completing the object.

I also transmit to you copies of a letter addressed to me by the Governor of the state of Tennessee, accompanied by resolutions of the legislature of that state, proposing an amendment of the constitution of the United States, on the subject of the compensation of members of congress.

WILLIAM FINDLAY.

Harrisburg, February 7, 1818.

The State of Tennessee.

In General Assembly,
November 24, 1817.

Resolved by the General Assembly of the state of Tennessee. That the following amendment be proposed to the constitution of the United States, to-wit.

“That no law varying the compensation of the members of the congress of the United States shall take effect, until the time for which the members of the House of Representatives of that congress, by which the law was passed shall have expired.”

Resolved, That our senators be instructed, and our representatives requested to use their exertions to procure the passage of the foregoing amendment.

Resolved, That the Governor of this state be requested to transmit copies of the foregoing resolutions to each of our senators and representatives in congress, and that he also transmit to the executives of the several states like copies, with a request to lay before the legislatures thereof, soliciting their exertions and co-operation in procuring the said amendment to be adopted and made a part of the constitution of the United States.

State of Tennessee.

Executive Office, Knoxville, Dec. 4, 1817.

Sir—I herewith transmit to your excellency the copy of resolutions passed by the legislature of this state at their late session, proposing an amendment to the constitution of the United States, and request you will lay it before the legislature of the state over which you preside, and use your endeavors to procure their co-operation with the measure.

I have the honor to be,

Very respectfully,

Your obedient servant,

[Signed] Jos. M'Minn.

His Excellency the Governor of Pennsylvania.

To his Excellency William Findlay, Governor of the Commonwealth of Pennsylvania.

The subscribers, commissioners appointed by his excellency Simon Snyder, late Governor of the said commonwealth, in pursuance of an act of the General Assembly of the said commonwealth, passed the 22d day of March, Anno Domini, 1817, to explore the route of the intended canal for uniting the waters of the Seneca Lake and Tioga river, in the state of New York. Report:

That we have explored the said route, a plan and profile of the survey and levels whereof, are hereto annexed.

We believe the making of the canal to be practicable; there being no other difficulty to encounter but the great descent of the ground, and the consequent number of locks which will be required upon it. Although the descent from the summit level to the Seneca Lake be great, it is pretty regular and the ground will be easily dug, there being no rocky or otherwise difficult ground to pass.

As to the importance of the work if completed, we can only judge of its general benefits, not having a personal knowledge of many of the local and minor advantages which must necessarily flow from such a canal.

If this canal be made, it will, with the proposed canal from Canandaigua outlet to Sodus bay, complete a chain of boat navigation from Lake Ontario to the Susquehanna; thus uniting the great northern and southern waters. It will, in the event of hostilities, be of great consequence to the national government for the transportation of stores, &c. The immediate benefits which will result to the people of Pennsylvania, will be the plaster and salt trade of New York, by which the interior of the state will be supplied with those necessary articles of subsistence and agriculture. In return, the citizens of Pennsylvania will find a market for their coal and iron in the lake country of the state of New York. These are among many of the benefits resulting from a chain of internal navigation, which in time will unite the waters of the St. Lawrence, the Hudson and the Chesapeake bay.

Our first object was to ascertain if a sufficient quantity of water could be obtained on the summit ground to supply the lockage both ways, and at what height it could be delivered. With a view to that object, we commenced our levels and survey for a feeder from Newtown creek, beginning at the said creek, fifty poles below M'Connell's saw mill, thence partly along a natural drain, and partly over very favorable ground, except about fifty poles at the lower end, which is gravelly, and will require about fourteen feet digging in its greatest depth; in all four hundred and thirty-four poles to the east side of the big marsh on the summit ground, where the elevated reservoir is contemplated, as represented on the plan. The fall from the Newtown creek to where the feeder crosses the road at

Gildersleves, is twelve feet, and thence to the highest part of the said marsh, is ten feet six-tenths; so that the water can be raised at least ten feet higher than the marsh in the said elevated reservoir, which may be made two hundred and twenty poles long, and at least sixty poles broad; holding in reserve more than five thousand locks full of water, which, with the constant supply of Marsh creek and of the head waters of Catharine creek, which may be collected and brought into the summit level of the canal, by means of the two lower reservoirs represented at the north and south ends of the elevated reservoir, and of Shoemaker's run, Royal's run, and a number of other small runs and springs which issue out of the high lands on the west side, may all be taken into the summit level of the canal; so that if care be taken to replenish the water in the elevated reservoir, whenever it can be had, from Newtown creek, together with the aid of the other creeks, runs and springs above mentioned, we are confidently of opinion that there will be a sufficient quantity of water to supply the canal at all times.

Our next object was to ascertain the total fall from the surface of the marsh on the middle ground along Catharine creek, to the surface of the water in the inlet to the Seneca Lake, near Mill's tavern, and along the Newtown creek to the surface of the water in the Tioga river, at the mouth of the said Newtown creek. We found the fall to the Lake to be four hundred and forty-five feet eight-tenths, and to the Tioga river eight feet eight tenths.

We then explored another route from the said big marsh, westward of the Newtown creek, through Sayre's marsh, M'Connell's swamp, &c., into the Tioga river near the upper end of the village of Elmira. We found this western route somewhat the shortest, but the ground not so favorable, being very open and porous in many places, and for a considerable part of

the distance, higher than the big marsh; nor is there any site for the locks on the river or harbor, for the boats to enter with safety.

We are of opinion, that the eastern route along the Newtown creek, would be the cheapest to make, the most likely to retain the water when made, a safe site for the river lock, and a good harbor for the boats in the mouth of the said creek; and also enters the river below a shoal or ripple of three feet seven-tenths fall, opposite to Elmira, between this and where the western route would enter. We have therefore preferred the eastern route, and represented it on the plan and profile accordingly.

We have laid the summit level of the canal on the profile six feet lower than the highest part of the marsh, with a view to obtain earth out of the canal to make banks of the elevated reservoir, and to lengthen the summit level so as to reach more of the distant springs of water that issue from the western highlands, than it otherwise would, and to avoid the dangers that sometimes arise from pressing too hard on heads of the springs, which might force their channels some other way, and convey the water of the canal along with them. This will reduce the fall from the summit level of the canal to the Seneca Lake, to four hundred and thirty-nine feet eight tenths, and to the Tioga river at Newtown creek to fifty-two feet eight tenths; the former we have divided equally into fifty-five locks, and the latter into seven; making together sixty-two locks. The regular and uniform descent of most part of the vallies along the Newtown and Catharine creeks, prevents us having the locks of more than eight feet fall; as the extra digging at the tail of each lock would be more expensive than the saving by an increased lift.

It was represented to us by persons residing in the vicinity, that it was their opinion, a feeder for the

canal could be taken out of the Tioga river, at the head of the Big Flats, which would serve the double purpose of a feeder and branch canal, and do away the necessity of a feeder from Newtown creek. We were therefore induced to explore the route of the same, and found that the water in the Tioga river at the head of the Big Flats, near the Chimney narrows, distant ten miles and a half, was seven-tenths of a foot higher than the marsh, and that the intermediate ground rose by gradual ascent to the height of thirty-three feet and a half above the marsh, which renders the making of a feeder to supply the canal from that source, altogether impracticable at any reasonable expense.

The following is our estimate of the probable expense, founded on the dimensions of the canal being twenty feet wide at the bottom, thirty-five feet wide at the top, level with the towing path, and five feet deep; that is to say, three feet and a half depth of water, and one foot and a half height of the bank above the water to the towing path; and the chamber of the locks seventy feet long by twelve feet wide in the clear, viz:

Digging.

	Poles.	Dolls.
From the mouth of Newtown creek to the road at Thompson's fulling mill, the bed of the creek being chiefly used for the canal,	330	2,500
Thence to Benjamin Westlake's, being a close clay soil,	1,370	31,000
Thence to the Horsehead marsh run, near Stoddard Conklin's, being gravelly and deep cutting,	250	8,000
Thence to the south end of the elevated reservoir, being marshy,	260	6,500

Thence to the causeway at the north end of the said reservoir, being marshy,	250	8,000
Thence to Royal's run, part marshy and part gravelly,	900	18,000
Thence through Catharine swamp to the lower end thereof, all covered with heavy pine timber and fallen trees,	850	34,000
Thence to where the turnpike road crosses Catharine creek, at Lee's, being a loomy soil,	1,485	37,000
Thence to the inlet of the Lake, below Mill's tavern, also a loomy soil,	520	12,000
Extra for changing the bed of the creek to give room for the canal at the four different narrows, .....	....	4,000
		<hr/>
19 miles 135 poles,	6,215	161,000

In the above estimate we have included the grubbing and puddling, but not the digging out of the lock pits.

Digging the feeder, making the upper stop-gate and dam in Newtown creek,	2,500
Banking the elevated reservoir a sufficient height to contain ten feet depth of water on the marsh, making sluice, banking the two lower reservoirs, and making waste weirs for the same,	25,000
Making sixty-two locks and digging out the lock pits,	372,000
Making twelve bridges over the canal for public and private roads, if made of stone abutments and wood flooring,	4,800
Making three dams, if made of squared logs, tied and filled in,	3,000

Making culverts from the great number of
drains and washes from the mountains,
their number and sizes can only be ascer-
tained as the work progresses, say, 15,000

\$583,300

The foregoing estimate is made exclusive of the purchase of lands, water rights, salaries of officers, and other incidental expenses, which cannot at present be ascertained.

All necessary materials for building the locks, &c., can be obtained in great abundance, and of an excellent quality, in the hills adjacent to the route of the canal, in all parts from the middle ground northward to the Seneca Lake.

With sentiments of respect and esteem,

We have the honor to be,

Your excellency's most obedient.

Humble servants,

[Signed] Robert Brooke.

Charles Trezinyuk.

Philadelphia, 1st Jan., 1818.

To the Assembly Transmitting Certain Documents

Gentlemen:

I RECEIVED ON THE 7TH INST. A LETTER FROM the Governor of the state of New Jersey, copies of which, and also copies of the reports, resolutions and documents therein referred to, I have directed the Secretary to lay before the respective houses.

WILLIAM FINDLAY.

Harrisburg, February 12, 1818.

Executive Office, New Jersey.

Sir—In conformity with a request of the legislature of this state, I have the honor to transmit you copies of certain reports, resolutions and documents respecting the difference between the commonwealth of Pennsylvania and the state of New Jersey, in relation to the navigation of the river Delaware, and to request that the same may be laid before the legislature of the state over which you preside.

With the highest respect, I am sir,

Your obedient servant,

[Signed] Isaac H. Williamson.

His Excellency the Governor of Pennsylvania.

State of New Jersey.

House of Assembly, January 10, 1818.

The committee to whose consideration was submitted the proceedings of the commissioners appointed under authority of an act of New Jersey, for adjusting certain differences with the state of Pennsylvania, respecting the navigation of the river Delaware, and other purposes therein mentioned,

Report—

That though it is to be regretted that the attempt of the two states to accommodate existing differences, and to prevent future causes of complaint by means of their respective commissioners, has not been entirely successful, yet as the commissioners did not disagree about the principles which should form the basis of accommodation, but only as to the mode of carrying those principles into effect, there is good reason to hope that the conference will not be entirely useless. The feelings and interests of both states are better understood; and it is to be presumed, that if circumstances should hereafter make it necessary for either of them to exercise a separate legislative power upon

the shores of the river Delaware, it will be done in such a way as not to interfere with the interests or rights of the other. By the failure of the commissioners amicably to adjust the differences of the two states, it becomes necessary for New Jersey to decide upon the most eligible course for her to take, in consequence of the remonstrance of Pennsylvania against the passage and operation of the law to connect Yard's Island with the main land at Bloomsbury, and its supplement. On this subject your committee are of opinion, that the most respectful conduct towards the commonwealth of Pennsylvania, and the safest for individuals whose interest is, or may be effected, would be for New Jersey to declare explicitly what exclusive privileges she claimed, in passing the before mentioned law, and the nature and extent of the grants intended to be conveyed in it. It is difficult to point out the precise boundaries between the common and separate right of the two states upon the river Delaware, so as to avoid uncertainty in practice. Each undoubtedly has an independent sovereignty over its own shores, to regulate them as it pleases, for its particular advantages. But the exercise of this independent and exclusive jurisdiction, must be in subordination to the primary and common right of navigation—navigable waters are considered as public highways, over which all the citizens of the country have a right to pass for lawful purposes. It follows therefore, that all the citizens of the United States have a right to the navigable use of the river Delaware, in common with those of New Jersey and Pennsylvania. And if New Jersey exercises her separate rights, so as to infringe this common and public right, it is as much an offence against the independent sovereignty of the other states in the union, as against that of Pennsylvania. But this extension of the injury to others besides Pennsylvania, would not change its nature or make it more

excusable. New Jersey therefore, could not in justice or good faith, in the exercise of her separate rights, and for her separate benefit, cause erections in the river which would essentially interfere with the use of it, for navigable purposes by others. And so far as we are informed, New Jersey never thought of claiming such privileges, or of exercising such powers. The permission to erect a dam from Bloomsbury to Yard's Island was given in consequence of representations that it would not injure the navigation of the river. It was therefore necessarily a part of the grant for its erection, that it should not in its practical effects injure the right of others, by obstructing the navigation. For New Jersey had no intention of guaranteeing, or giving to individuals greater rights than she possessed herself. And as she did not possess or claim any power to control, change or restrict the use of the river Delaware for purposes of navigation, an individual could not claim a power by inference from a general grant to erect a dam. As long as this particular dam does not exceed these implied conditions of the grant, it must be entirely innocent and cannot give any just cause of complaint to Pennsylvania. And whenever it should prove practically hurtful to navigation, New Jersey ought, and no doubt would restrain it within the conditions on which it was suffered at first to be erected. But in such a case, though Pennsylvania could not complain of actual injury from the practical effects of the law of New Jersey, yet the principle as a rule of conduct for either state cannot be considered altogether unexceptionable. For it would have an appearance of permitting one state to legislate exclusively in cases where she has a common interest only, and of subjecting to her judgment alone, the equal and inseparable rights of both. It would therefore be desirable for the two states to

agree upon some general mode, by which to determine the specific regulations to be applied to all the dams in the river. This would do away all cause for complaint or jealousy between them, and would operate impartially upon individuals. Whereas if each exercises a separate authority over the dams on its own shores, the probability is, that no useful regulations or restrictions will be imposed upon any of them, or else that some will be subjected to such as are troublesome and inconvenient, though perhaps necessary, while others equally injurious will remain unmolested.

Your committee, fully agree in opinion with the commissioners of New Jersey, that the general tendency of wing dams in the Delaware is injurious to navigation, but the injury is of such a nature that it is extremely difficult in any particular case, to describe accurately the kind and extent of it. This very difficulty ought to be a reason for using great circumspection, in permitting such dams to be erected. And we are of opinion that the safer way to avoid this injury would be for neither state hereafter to permit the erection of any new dams, for the purpose of creating a water power, unless with the concurrence of the other. For though in this way fewer dams would be erected, yet as there are at present as many mills and other works on the shores of the Delaware, as the necessities of the adjacent country demand, the partial and negative evil arising from the want of additional works would be much less than the positive injury done to commerce by their erection. As the state of Pennsylvania appears to have taken exceptions to the tendency of the principles supposed to be set up by New Jersey, more than to any precise and positive injury sustained under them. In order to prevent any future misunderstanding, by shewing clearly the sen-

timents of New Jersey, your committee submit the following resolutions.

[Signed] David Thompson, Jun.,
Thomas T. Kinney,
Samuel J. Read.

Resolved I. That New Jersey does not claim any exclusive rights over any parts of the river Delaware, which authorizes her to obstruct or injure its navigation.

Resolved II. That the interest of navigation would be better secured, if neither state should authorize by law any erection in the river Delaware for the purpose of creating water power, unless in concurrence with the other.

Resolved III. That New Jersey will cordially unite with Pennsylvania in any particular mode to ascertain the particular injury done to the navigation of the river Delaware, by dams already erected, and by a joint act to enforce such specific alterations or restrictions as may be thought necessary.

The above report was taken up, and agreed to by the house.

Whereupon,

Mr. D. Thompson offered the following resolution:

Resolved, That the foregoing report and resolutions be sent to council, and if council concur therein, that his excellency the Governor be requested to transmit a copy thereof to the Governor of Pennsylvania, and also a copy of the report and accompanying documents

the commissioners of New Jersey, appointed for settling certain differences with the commonwealth of Pennsylvania, under the authority of an act passed January 31, 1817, with a request that the same be laid before the legislature of that state.

Which resolution was read and agreed to.

By order of the house,

Ebenezer Elmer, Speaker.

January 31, 1818.

To the Honorable the Legislative Council and General Assembly of the State of New Jersey.

The subscribers commissioners appointed under the authority of an act of Assembly, entitled "An act for appointing commissioners for settling certain differences between this state and the commonwealth of Pennsylvania, and for other purposes therein mentioned," beg leave to report—

That about the 10th of May last, one of the subscribers William S. Pennington, was duly notified by his excellency the Governor that he was appointed a commissioner under the before recited act, in the place of John Beatty, Esq., who had declined the acceptance of the appointment, and having communicated the same to Lewis Condit and George Holcomb, Esq's, the two other commissioners, he was authorized by them to open a communication with the commissioners on the part of Pennsylvania, as to the time and place of meeting. Accordingly on the 26th of May, he addressed a letter to Cadwallader Evans, jun., Esq., one of the Pennsylvania commissioners, informing him of the readiness on the part of the New Jersey commissioners to receive communications from the Pennsylvania commissioners as to the time and place of meeting. On the 20th of June a letter was received by William S. Pennington from Mr. Evans, dated the 18th, giving information, that the commissioners on the part of Pennsylvania had agreed to meet the commissioners of New Jersey at Trenton, on the 1st day of July following. This information was communicated to doctors Condit and Holcomb, by letters put into the mail that day.

Unfortunately the state of Dr. Condit's health, and pressure of private business would not permit him to attend at the time, and he gave notice to the Governor, that he declined acting as a commissioner. The gen-

tleman first appointed to supply his place would not accept, and on the meeting of the commissioners at Trenton no one appeared on the part of New Jersey but William S. Pennington. Dr. Holcomb's private business would not permit his attendance, and he declined serving altogether. The commissioners from Pennsylvania all appeared, and as soon as it was ascertained that a board could not be formed, they proposed that the next meeting should be had at Easton, in the state of Pennsylvania, on Monday the 8th day of September, and that from thence a view of the river and its shores should be taken by the commissioners, by water.

This proposal was agreed to by William S. Pennington. In the mean time his excellency the Governor appointed the subscriber David Thompson, in the place of Dr. Lewis Condit, and the subscriber Ellett Tucker, in the place of Dr. George Holcombe, as commissioners under the act. His excellency the Governor of Pennsylvania having appointed John Ross, Esq. in the place of Samuel Sitgreaves, who had declined serving. The commissioners of both states met at Easton, on the 8th day of September, and proceeded up the river to Belvidere, and down to Trenton, viewing in their progress the river and shores, and the wing dams, and other erections in the river and on its shores, including all wing dams at Bloomsbury and Morrisville; taking in all five days and a half. It was found on this view that a number of wing dams were erected on the shores of each state, some of which are entirely innocent and no way affecting the navigation of the river, but that the greater number are more or less injurious to it. That the dams on the Pennsylvania shore appear to be equally if not more injurious to the navigation of the river, than those on the Jersey shore.

After this view, the commissioners of both states met on Saturday afternoon the 13th of September, in

order to adjust the difference between their respective states, in the council room of the state house at Trenton. In this conference, one of the commissioners on the part of Pennsylvania, and as was then supposed with the approbation of his colleagues, demanded of the New Jersey commissioners, as a preliminary step, and before any further proceedings could be had, an explicit acknowledgement that the legislature of the state of New Jersey had violated the rights of the state of Pennsylvania, on the ground that it had been sanctioned in two or three instances by acts of Assembly, the erection of wing dams on its shores. In order to learn the whole extent of the views of the Pennsylvania commissioners, they were asked for the consequences of this admission—on which they were informed by the same commissioners that had made the first demand, that having violated the rights of Pennsylvania, New Jersey must permit Pennsylvania to mark out the redress. This demand appearing very extraordinary; in order to ascertain whether it was the settled determination of the Pennsylvania commissioners to adhere to it, and also to avoid the uncertainty and misconstruction which may arise from verbal communications, we requested them to submit to us their propositions in writing, and on Monday the 15th, we received paper No. 1, transmitted with this report—to which on the same day we returned an answer, of which No. 2 is a copy—and on the following evening we received a reply containing in paper No. 3 and the morning following returned an answer of which No. 4 is a copy—the same afternoon we received a communication contained in paper No. 5 to which we immediately returned an answer, of which No. 6 is a copy. This correspondence having led to a second conference, in which the commissioners on the part of New Jersey, after observing that the property depending on the wing dams on both sides of the river, was of

vast amount and of immense importance, as well to the owners as to the country, they felt a strong desire to preserve it from destruction, but were willing to enter into an agreement to regulate the wing dams, by compelling the owners to make such alterations and improvements as would do the least possible injury to navigation, and also to prohibit the erection of any wing dams on the river in future. This was after some discussion, in substance agreed to by the Pennsylvania commissioners; but they insisted upon inserting in the agreement, that by the true construction of the compact of 1783, the erection of wing dams without the concurrence of both states was prohibited altogether. Though this was contradictory to what we had before contended for, and seemed to be altogether unnecessary; yet, to shew the sincerity of our desires to effect an accommodation of the differences between the two states, we finally consented to insert in the contemplated instrument of agreement, an opinion that a liberal construction of the agreement of 1783, and the safest and most satisfactory practice under it, would have been to abstain from erecting wing dams on the river, without the concurrent assent of both states. The principles on which the commissioners of the two states were willing to adjust the differences between them, being thus agreed upon, we expected a favorable result. But as the commissioners had been much longer from their homes than had been contemplated, and as it would take some time to digest and prepare a plan of agreement embracing all the subject committed to us, it was agreed to adjourn, to give time for the purpose, until the 17th of October, and then to meet at New Hope, in the state of Pennsylvania, for the purpose of finally settling the subject of controversy by an amicable agreement. Accordingly the commissioners of both states met at the time and place to which they adjourned.

The commissioners on the part of Pennsylvania, having furnished one of the commissioners on the part of New Jersey, with a project of an agreement, a few days before, of which No. 7 is a copy, presented it now for consideration. The commissioners on the part of New Jersey also presented for consideration a modification of the Pennsylvania project, of which No. 8 is a copy. The commissioners on the part of Pennsylvania would not agree to any of the suggestions coming from New Jersey, except the clause in the preamble, that went to the construction of the agreement of 1783, and the practice under it, which was of no importance and put in solely to gratify the Pennsylvania commissioners, and was a substitute for the first article of their project. It was objected by New Jersey to the project of Pennsylvania, that some of the dams erected on the river, did not in any wise affect the navigation any more than if they had been erected on the banks of the river, being wholly remote from navigation, and therefore such regulation would be an unnecessary oppression. After some discussion, the Pennsylvania commissioners agreed to leave out such dams. It was also contended by New Jersey, that the repairs necessary in one dam might not be necessary in another, and therefore one general regulation would not apply to all; besides which, the commissioners on the part of New Jersey declared that they were not competent judges to say what specific alterations were proper and necessary. This point, after some discussion, was reluctantly yielded, and it was agreed to substitute in the place of it, that the dams should undergo such sufficient alterations, as should render the navigation of the river as easy and convenient as it was before the said dams were erected; but, when the subject of enforcing these provisions came under consideration, difficulties arose.

The Pennsylvania project had at first contained an article punishing the non-fulfilment of the agreement with confinement in the state prison; this was, however, voluntarily relinquished. It will be perceived that by the Pennsylvania project, commissioners were to be appointed to examine the mill dams, and it contained this singular clause: "That if this report shall not be that the same is made, according to this agreement," then the said wing dam might be abated as a nuisance. It appeared to us so repugnant to principle, that in the mere absence of a report, all the dams in the river, and mills depending on them, should be exposed to destruction, that we endeavored to obtain a modification of this clause, and therefore proposed that on the commissioners, or a majority of them, reporting the alterations and improvements insufficient, that they should be proceeded against as public nuisances; but the Pennsylvania commissioners inflexibly adhered to their own project, and a further discussion led to a conviction that their object was to confer a power on the Pennsylvania commission hereafter to be appointed to prostrate every wing dam on the river at their discretion. On the New Jersey commissioners representing that it was unprecedented to appoint commissioners to examine a subject, and for the want of their report to condemn it, the absurdity was attempted to be got over by treating the case as anomalous, and not subject to ordinary rule. It was on this point that the negotiation on the subject of a general regulation on the wing dams on the river was broken off.

The subject of the wing dam from Bloomsbury to Yard's Island came next under consideration. As this had given rise to the controversy between the two states, it was peculiarly desirable that it should be amicably adjusted. To effect this, the New Jersey commissioners agreed to the specific alterations and

improvements proposed, but the same difficulty arose on the subject of the provisions. To enforce them it was agreed that a time should be given the owners to make alterations and improvements, and it was proposed on the part of New Jersey, that in the case of a failure in the owners to perform that which should be required of them by the agreements, that the wing dam should be liable to be proceeded against as a public nuisance, according to the laws of the state in which the prosecution should be had for the punishment of nuisances, and that the courts of each state should have a concurrent jurisdiction of the subject. It was first objected to this, that Pennsylvania had no laws in force for the punishment of nuisances on public rivers. We then offered to modify the clause, so as to read laws in force, or hereafter to be enacted. Our propositions on this subject were rejected by the Pennsylvania commissioners, who insisted, that in the case of the failure of the owners to perform what should be required of them by the time given, that either state might prostrate the dam in any way it chose to do. We observed that it was proper that the owner should be heard in a court of justice, on the question of performance or not; that it might involve a question of fact proper to be settled by a trial, according to the course of law—but the Pennsylvania commissioners refused any other terms, than leaving it in the power of either state to prostrate the dam according to its own will and discretion. And on the one of the New Jersey commissioners observing, that he would never consent to destroy the property of any man without hearing and trial, he was answered by a commissioner from Pennsylvania, that then the thing was at an end—and on a short conference had by the Pennsylvania commissioners, with themselves, one of them in the presence of the others, informed us that there was no use in our further continuing together; to which they

were answered that we fully accord with them in opinion—and thus the conference ended.

It is to be observed that the Pennsylvania commissioners, neither in their written or oral communications, took any notice of the third subject committed to us, namely, to define with precision and certainty the rights of the respective states to authorize the erection of dams and other works within the waters of the river Delaware, for objects of public utility and benefit, although this subject was distinctly laid before them by us, in our projected plan of an agreement.

The feelings of the Pennsylvania commissioners were strongly excited against New Jersey, for authorizing by law the erection of wing dams in the river Delaware. But whatever might have been the opinion of the state of Pennsylvania respecting the intention and operation of these laws, when we consider the circumstances under which they were passed, and also that we consented that the dams erected on the Jersey side of the river under authority of laws, should be put under the same regulations which [with] respect to the navigation as those on the Pennsylvania side erected without law—we are unable to perceive any cause for continued resentment, or feelings of wounded dignity.

The owners of land on both sides of the river, have been in the practice for a great length of time, of building dams according to circumstances and situation, to the advantage of themselves and the convenience of the country. This practice has probably become more common since the compact of 1783, than it was before, and no complaint as far as we are informed was ever made against them until the erection of the dam, the unfortunate cause of the present controversy. If the dams are of themselves a breach of the compact of 1783, as is now contended by the Pennsylvania commissioners, then the breaches of the said compact are

stronger against Pennsylvania than against New Jersey, for there are a greater number of dams on the Pennsylvania, than on the Jersey side of the river, and they are equally if not more injurious to the navigation. It might therefore be reasonably supposed that Pennsylvania would suppress the dams on her own shore, before she should ask for the demolition of those erected on that of New Jersey. The mills built and in operation on the river, give employment to many persons, and are of great necessity to considerable districts of country. We therefore hope a more moderate course may be pursued than their entire destruction—and we are the more inclined to hope for this result, as we believe the wing dams attached to these mills may be so regulated as to produce very little, if any, obstruction to the navigation.

But in the mean time, to prevent any further encroachments on the navigation of the river, and to shew that New Jersey has no disposition to trespass on the rights or the interest of Pennsylvania—we take the liberty to recommend to the legislature to pass laws, to be in force whenever the state of Pennsylvania shall concur therein, effectually to prevent any new dams in the river Delaware, and so to regulate those already erected as to cause them to do the least possible injury to the navigation thereof. We venture to do this, because from a view of the dams in the river, we are of opinion that their general tendency is hurtful to the navigation thereof—and the interest of both states requires that it should not be obstructed.

It will be observed that in our communication with the Pennsylvania commissioners, we have placed the wing dams erected by authority of law, on the same footing as those that are not. 1st. Because we conceive that the privileges granted them are from their nature subordinate to the rights of navigation. And 2d. Because we presume that the others were obtained

in the same manner as that from Bloomsbury to Yard's Island, by representing to the legislature that no injury would be done to the navigation of the river, and in that case the owners cannot complain of a breach of faith, in holding them to representations made by themselves, and under which they obtained their privileges.

It was proposed by the Pennsylvania commissioners to make a case and submit it to the opinion of the supreme court of the United States—but as this subject had been under the consideration of both legislatures, we conceived that it would exceed our powers, nor could we discover any advantage to be derived from the measure, as we cannot perceive any question of law in dispute between the two states.

On closing this report we beg leave to observe, that we have conscientiously done every thing within the compass of our abilities to do, to adjust the differences between the states, short of compromising the honor and dignity of the state we had the honor to represent.

All of which is humbly submitted.

[Signed] William S. Pennington,
David Thompson, Jun.,
Ellet Tucker.

October 27, 1817.

To the Assembly Transmitting Certain Documents.

I HAVE DIRECTED TO BE LAID BEFORE YOU copies of two letters addressed to me by Jonas Galusha, Governor of the state of Vermont, together with several resolutions of the legislature of that state, on the subject of certain amendments of the

constitution of the United States, proposed by the States of Massachusetts and Kentucky.

WILLIAM FINDLAY.

Harrisburg, February 23, 1818.

State of Vermont.

Shaftsbury, January 24, 1818.

Sir—Agreeably to the request of the General Assembly of this state, I transmit herewith their resolutions adopted at their last session, on the subject of an amendment to the constitution of the United States, proposed by the state of Massachusetts, respecting the election of representatives to the congress of the United States, and electors of president and vice president.

I have the honor to be,

With great respect,

Your obedient servant,

[Signed] Jonas Galusha.

His Excellency the Governor of Pennsylvania.

Whereas the legislature of the state of Massachusetts did, on the 13th day of February, A. D. 1816, propose to the other of the United States, an amendment to the constitution of the United States as follows, to-wit.

That for the purpose of choosing representatives in the congress of the United States, each state shall by its legislature be divided into a number of districts, equal to the number of representatives to which such state may be entitled.

Those districts shall be composed of contiguous territory, and contain as nearly as may be an equal number of inhabitants entitled by the constitution to be represented. In each district the qualified voters shall elect one representative and no more.

That for the purpose of appointing electors of president and vice president of the United States, each state shall by its legislature be divided into a number of districts, equal to the number of electors to which such state may be entitled. Those districts shall be composed of contiguous territory, and contain as nearly as may be, an equal number of inhabitants entitled by the constitution to representation. In each district the person qualified to vote for representatives, shall appoint one elector and no more.

The electors when convened, shall have power in case any of those appointed as above prescribed, shall fail to attend for the purposes of their said appointment, on the day prescribed for giving their votes for president and vice president of the United States, to appoint another or others, to act in the place of him or them so failing to attend.

Neither the districts for choosing representatives, nor those for appointing electors, shall be altered in any state until a census and apportionment of representatives under it, subsequent to the division of the state into districts, shall be made. The division of such state into districts, for the purposes both of choosing representatives and of appointing electors, shall be altered agreeably to the provisions of this amendment, and on no other occasion. Therefore,

Resolved by the General Assembly of the state of Vermont, That it is inexpedient to adopt said proposed amendment to the constitution of the United States.

Resolved, That his excellency the Governor of this state be, and he is hereby requested to transmit a copy of the foregoing proposal of an amendment to the constitution of the United States, and of the above resolution, to each of the executives of the several states, and to each of the senators and representatives of this state in the congress of the United States.

State of Vermont.

Shaftsbury, January 24, 1818.

Sir—Agreeably to the request of the General Assembly of this state, I herewith transmit their resolutions of the last session, on the subject of the amendment to the constitution of the United States, proposed by the state of Kentucky, relative to the compensation of members of congress.

I have the honor to be,

With great respect,

Your obedient servant,

[Signed] Jonas Galusha.

His Excellency the Governor of Pennsylvania.

Whereas the state of Kentucky has proposed for the consideration of this legislature, a certain amendment to the constitution of the United States, viz:

That no law varying the compensation of the members of congress of the United States, shall take effect until the time for which the members of the House of Representatives of that congress, by which the law was passed, shall have expired.

Therefore,

Resolved by the General Assembly of the state of Vermont, That it is inexpedient to adopt said amendment.

Resolved, That the Governor of this state be, and he hereby is requested to transmute to the legislatures of the several states, and to each of the senators and representatives in congress from this state, a copy of the foregoing resolution.

In General Assembly, October 27, 1817.

To the Assembly Transmitting Certain Documents.

I HAVE DIRECTED TO BE LAID BEFORE YOU copies of a letter addressed to me by the Governor of the state of Maryland, and of a resolution of the General Assembly of that state, complaining of the protection given in this state to runaway slaves, and of the difficulty which the owners experience in recovering them, and requesting the passage of laws tending to remedy these grievances. As the inconveniences alluded to are not detailed in the communications, it is not in my power to suggest a remedy in the case; I therefore recommend to the legislature the propriety of enquiring into the facts on which the complaint is grounded, and of adopting such measures as in their wisdom may be thought fit.

WILLIAM FINDLAY.

Harrisburg, March 6, 1818.

Baltimore, February 24, 1818.

Sir—I have the honor to transmit to your excellency the enclosed copy of a resolution lately adopted by the General Assembly of Maryland.

I respectfully invite your attention to the remedy sought by this resolution, for the evils therein mentioned.

I presume sir, it is unnecessary that I should trouble you with the inconveniences in detail, which the citizens of Maryland too frequently suffer by the employment and protection given to their runaway slaves in Pennsylvania, and in the recovery of them when discovered.

The mischiefs complained of in the resolution, although in contravention of your laws, are so often practised, and so justly complained of by the people of Maryland, that in pursuance of the duty assigned me, I beg leave to press upon your consideration the

necessity of some more efficient provision of law for their remedy.

In the hope that these vexatious grievances will meet the correcting wisdom and justice of your excellency, and that of the legislature of Pennsylvania,

I have the honor to be,

With the highest consideration,

Your obedient servant,

[Signed] C. Ridgely, of Hampton.

To his Excellency the Governor of Pennsylvania.

By the House of Delegates,

January 24, 1818.

Be it resolved by the General Assembly of Maryland, That the Governor be authorized and required to open a correspondence immediately with the executives of Pennsylvania and Delaware, stating at large the grievances under which the citizens of this state labor in consequence of the protection given in those states to runaway slaves, and the difficulty which the owners experience in recovering them even after they are discovered; and requesting the said executives to use their influence with their respective legislatures, by recommending such laws, as shall have a tendency to remedy the grievances complained of, and to report the result of the said correspondence to the next General Assembly of Maryland.

Proclamation Declaring the Election of Thomas J. Rogers, as a Representative of Pennsylvania in the Congress of the United States.

Pennsylvania, ss:

[Signed] Wm. Findlay.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. By WILLIAM FINDLAY, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, by a return duly made by the Judges of a special election held in the sixth congressional district, composed of the Counties of Bucks, Northampton, Lehigh, Wayne and Pike, in this Commonwealth, on Tuesday, the third day of the present month, in pursuance of writs issued by me on Monday, the nineteenth day of January last, under the authority of an Act of the General Assembly, passed the eighteenth day of February, in the year one thousand eight hundred and five, it appears that Thomas J. Rogers, Esquire, was duly elected to serve as a Representative of this State in the House of Representatives of the United States, to supply the vacancy occasioned by John Ross's acceptance of the office of president and judge of the courts of common pleas, within the seventh judicial district of this Commonwealth: And Whereas, in and by one other act of the General Assembly, passed the twentieth day of March in the year one thousand eight hundred and twelve, it is provided "that the Governor, having received the returns of such elections, shall declare by proclamation the name or names of the person or persons to him returned as duly elected, in each respective district:" Now, therefore, I have issued this proclamation, hereby publishing and declaring that the said Thomas J. Rogers is

duly elected and chosen a Representative of this State in the House of Representatives of the United States, during the remainder of the time for which the said John Ross was elected to serve.

Given under my hand and the Great Seal of the State, at Harrisburg, this sixteenth day of March in the year of our Lord one thousand eight hundred and eighteen, and of the Commonwealth the forty-second.

By the Governor.

Tho. Sergeant, Sec'y.

To the Assembly approving certain Acts and transmitting Certain Documents.

I HAVE THIS DAY APPROVED AND SIGNED the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the houses in which they respectfully originated, viz:

* * * * *

I have directed to be laid before you copies of a letter from the Governor of the state of Georgia, accompanied by resolutions of the legislature of that state, relative to propositions for amending the constitution of the United States made by the states of North Carolina, New Jersey and Kentucky.

WILLIAM FINDLAY.

Harrisburg, March 20, 1818.

Executive Department, Georgia.

Milledgeville, 16th February, 1818.

Sir—I herewith transmit to your excellency, copies of resolutions passed by the legislature of this state at their last session, relative to proposed amendments to the constitution of the United States, and request

you will lay the same before the legislature of the state over which you preside, and use your best endeavours to procure their co-operation.

I have the honor to be, very respectfully,

Your obedient servant,

[Signed] Wm. Rabun.

His Excellency the Governor of Pennsylvania.

State of Georgia.

In the House of Representatives

16th December, 1817.

The committee on the state of the republic, to whom was referred the several resolutions from the states of North Carolina, New Jersey, &c., report the following resolution, to wit.

Resolved, That it is inexpedient to amend the constitution of the United States, as it regards the choosing representatives in the congress of the United States, and also as it regards the mode of appointing electors of president and vice president of the United States in manner proposed by the General Assembly of North Carolina, and his excellency the Governor be requested to forward a copy of this resolution to the executives of the several states.

In the House of Representatives,

16th December, 1817.

Resolved by the Senate and House of Representatives of the state of Georgia in General Assembly met, That the amendment to the constitution of the United States, proposed by the General Assembly of the commonwealth of Kentucky, in the following words: "No law varying the compensation of members of the congress of the United States, shall take effect until the time for which the members of the House of Representatives of that congress by which the law was passed, shall have expired;" meets with the cordial approbation of the freemen of Georgia.

Resolved, That our senators in congress be instructed, and our representatives requested, to use their best endeavors to obtain such an amendment to the constitution of the United States.

Resolved, That his excellency the Governor be requested to transmit copies of the foregoing resolutions to each of our senators and representatives in the congress of the United States.

Proclamation Declaring the Election of Jacob Hostetter as a Representative of Pennsylvania in the United States Congress.

Pennsylvania, ss:

[Signed] Wm. Findlay.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By WILLIAM FINDLAY, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, by a return duly made by the Judges of a special election held in the fourth congressional district, composed of the county of York, in this Commonwealth, on Tuesday, the seventeenth day of the present month, in pursuance of a writ issued by me on Tuesday the seventeenth day of February last, under the authority of an Act of the General Assembly, passed the eighteenth day of February, in the year one thousand eight hundred and five, it appears that Jacob Hostetter, Esquire, was duly elected to serve as a representative of this State in the House of Representatives of the United States, to supply the vacancy occasioned by Jacob Spangler's acceptance

of the office of Surveyor General of this Commonwealth: And whereas in and by one other act of the General Assembly, passed the twentieth day of March, in the year one thousand eight hundred and twelve, it is provided "that the Governor, having received the returns of such elections, shall declare by proclamation the name or names of the person or persons to him returned as duly elected in each respective district: Now, therefore, I have issued this proclamation, hereby publishing and declaring that the said Jacob Hostetter is duly elected and chosen a representative of this State in the House of Representatives of the United States, during the remainder of the time for which the said Jacob Spangler was elected to serve.

Given under my hand and the Great Seal of the State at Harrisburg this twenty-third day of March, in the year of our Lord one thousand eight hundred and eighteen, and of the Commonwealth the forty-second.

By the Governor.

Tho. Sergeant, Sec'y.

Proclamation of Reward for the Apprehension of
Dominic McBride, charged with the Murder of
John Wade, in Crawford County.

Pennsylvania, ss:

[Signed] Wm. Findlay.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By WILLIAM FINDLAY, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, I have received authentic information that John Wade, late of the township of Cusawanga, in the

County of Crawford, was on the twenty-seventh day of June last, at the township of Rockdale in the said county, repeatedly and barbarously stabbed with a knife by a certain Dominic McBride; of which stabbing the said John Wade languished for seven days, and then died; and that the said Dominic McBride has since fled from justice, and the efforts to arrest him have proved ineffectual: And Whereas, the reputation of the Government, the peace and security of its citizens, and the obligations of justice and humanity require that the perpetrators of an offense so heinous should be brought to speedy and condign punishment, I have therefore thought it proper to issue this proclamation, hereby offering a reward of two hundred dollars to any person or persons who shall apprehend and secure within a jail of this Commonwealth the said Dominic McBride, if brought to trial and convicted of the said offense; And all Judges, Justices, Sheriffs, Coroners, Constables and other officers within this Commonwealth according to the duties of their respective stations are hereby required and enjoined to be attentive and diligent in enquiring after and bringing to justice the perpetrator of the crime aforesaid.

Given under my hand and the Great Seal of the State, at Harrisburg, this fourteenth day of August in the year of our Lord one thousand eight hundred and eighteen, and of the Commonwealth the forty-third.

By the Governor.

Tho. Sergeant, Sec'y.

Proclamation of a Day of Thanksgiving—1818.

Pennsylvania, ss:

[Signed] Wm. Findlay.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By WILLIAM FINDLAY, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, it is a dictate of reason and a duty enjoined by the Scriptures of Truth, to acknowledge our obligations and offer up thanks to Almighty God for benefits conferred and calamities averted. I have therefore deemed it proper to issue this Proclamation recommending that Thursday, the nineteenth of November next, be set apart by all denominations of Christians within the Commonwealth, for thanksgiving and prayer; and that they abstain as far as practicable, on that day, from their worldly avocations, and assemble at their respective places of public worship, and unite in devout thankfulness to the Author of every good and perfect gift, for the blessings of Peace; the general prevalence of health; the exemption from famine and pestilence; the fruitful seasons; the religious and civil privileges that we enjoy; and, above all, for the cheering messages of grace and Salvation by the Redeemer; and that they implore through his merits, that we may be cleansed from the defilement of sin, "the reproach of any people," and be united to Him by a true and living faith, and clothed with "that Righteousness which exalteth a Nation;" that the enjoyment of our spiritual and temporal blessings may be continued, with a due sense of our obligations to, and humble dependance on, the Divine source from which they flow.

Given under my hand and the Great Seal of the State at Harrisburg, this fifteenth day of October, in the year of our Lord one thousand eight hundred and eighteen, and of the Commonwealth the forty-third.

By the Governor.

Tho. Sergeant, Sec'y.

Proclamation Declaring the Election of Doctor Samuel Moore as a member of Congress in the room of Samuel D. Ingham, Esquire, resigned.

Pennsylvania, ss:

[Signed] Wm. Findlay.



I N THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By WILLIAM FINDLAY, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, by a return duly made by the judges of a special election held in the sixth congressional district, composed of the counties of Bucks, Northampton, Lehigh, Wayne and Pike, in this Commonwealth, on Tuesday the thirteenth day of October last, under the authority of an act of the General Assembly, passed the eighteenth day of February, in the year one thousand eight hundred and five, it appears that Doctor Samuel Moore was duly elected to serve as a representative of this State in the House of Representatives of the United States, to supply the vacancy occasioned by the resignation of Samuel D. Ingham, Esquire, and his acceptance of the office of Prothonotary of the Court of Common pleas of the County of Bucks in this Commonwealth: And Whereas, in and by one

other act of the General Assembly, passed the twentieth day of March, in the year one thousand eight hundred and twelve, it is provided "that the Governor, having received the returns of such elections, shall declare by proclamation the name or names of the person or persons to him returned as duly elected in each respective district." Now, therefore, I have issued this proclamation, hereby publishing and declaring that the said Doctor Samuel Moore is duly elected and chosen a Representative of this State in the House of Representatives of the United States, during the remainder of the time for which the said Samuel D. Ingham was elected to serve.

Given under my hand and the Great Seal of the State, at Harrisburg, this second day of November, in the year of our Lord one thousand eight hundred and eighteen, and of the Commonwealth the forty-third.

By the Governor.

James Trimble, Deputy Sec'y.

Proclamation Declaring the Election of Representatives of Pennsylvania in the United States Congress.

Pennsylvania, ss:

[Signed] Wm. Findlay.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By WILLIAM FINDLAY, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, it is provided in and by an act of the General Asesmbly of this Commonwealth, entitled "An act

to provide for the election of Representatives of the people of this State in the Congress of the United States," passed the twentieth day of March, in the year one thousand eight hundred and twelve, that the Governor, having received the returns of the election held in the several Counties of the Commonwealth, shall declare by proclamation the name or names of the person or persons to him returned as duly elected, in each respective district: And Whereas, it appears from the returns of the general election held on Tuesday, the thirteenth day of October last that the following named persons were duly elected to serve in the House of Representatives of the Congress of the United States for the term of two years from and after the fourth day of March next, viz: In the district composed of the City of Philadelphia and the Counties of Philadelphia and Delaware, John Sergeant, Joseph Hemphill, Samuel Edwards and Thomas Forrest. In the district composed of the counties of Chester and Montgomery, Doctor William Darlington and Samuel Gross. In the district composed of the Counties of Lancaster, Dauphin and Lebanon, Jacob Hibshman and James Wallace. In the district composed of the County of York, Jacob Hostetter. In the district composed of the counties of Cumberland, Franklin and Adams, David Fullerton and Andrew Boden. In the district composed of the counties of Bucks, Northampton, Lehigh, Wayne and Pike, Dr. Samuel Moore and Thomas J. Rogers. In the district composed of the Counties of Berks and Schuylkill, Joseph Hiester. In the district composed of the Counties of Bedford, Somerset and Cambria, Robert Philson. In the district composed of the Counties of Mifflin, Huntingdon, Center and Clearfield, William P. Maclay. In the district composed of the Counties of Northumberland, Union, Columbia, Luzerne, Bradford, Susquehanna, Lycoming, Tioga, Potter and McKean, John Murray and George Dennison. In the district composed of the

Counties of Westmoreland, Indiana, Jefferson and Armstrong, David Marchand. In the district composed of the county of Washington, Thomas Patterson. In the district composed of the counties of Fayette and Green, Christian Tarr. In the district composed of the Counties of Allegheny and Butler, Henry [Baldwin. In the district composed] of the Counties of Beaver, Mercer, Crawford, [Venango ———, Robert Moore.]

Now therefore, I have issued this proclamation, declaring that the said John Sergeant, Joseph [Hemphill, Samuel Edwards, Thomas] Forrest, Doctor William Darlington, Samuel Gross, [Jacob Hibshman, James Wallace,] Jacob Hostetter, David Fullerton, Andrew Boden, Dr. Samuel Moore, Thomas J. Rogers, Joseph Hiester, Robert Philson, William P. Maclay, John Murray, George Dennison, David Marchand, Thomas Patterson, Christian Tarr, Henry Baldwin, and Robert Moore are duly elected and chosen as representatives of the people of this State in the House of Representatives of the United States for the term of two years, to commence from and after the fourth day of March next.

Given under my hand and the Great Seal of the State, at Harrisburg this twenty-seventh day of November, in the year of our Lord one thousand eight hundred and eighteen, and of the Commonwealth the forty-third.

By the Governor.

Tho. Sergeant, Sec'y.

Opening Address to the Assembly—1818.

Fellow Citizens:

THE BENEFICENCE OF DIVINE PROVIDENCE continues to be extended on our country in the eral diffusion of health, the blessings of peace, and the abundant fruits of the earth, and demands our devout acknowledgments.

In observing the federal administration pursuing an enlightened and impartial course of policy, neither indulging ambition nor evincing timidity; ready to do justice to other nations, and to redress the wrongs and maintain the rights and independence of our own; and as public agents of Pennsylvania, witnessing the protection which every worthy man enjoys in his person, his religion, his labour, and his property, and tracing the gradual extension of his settlements, and the rapid progress of internal improvements; a fair occasion is presented to us for mutual congratulation.

This period of tranquility and prosperity affords an opportunity and strongly invites us to persevere in the measures that have been commenced, and to adopt such others as may be deemed necessary for the promotion of the happiness of the people; the true and legitimate end of a republican government. To the attainment of this, the establishment of a system of education, as enjoined by the constitution, is essential, and has been but partially complied with. It is a fact of general notoriety, that there is not a seminary of learning in the interior of the state, in which the preparatory education considered by several sects of christians as indispensable to the licensing a preacher of the Gospel, or which is necessary for the higher branches of mechanics, can be acquired. Of course, many of our youth who have those pursuits in view, as well as others who are desirous of obtaining a liberal education, resort to the colleges of our sister states, thereby adding to the expense of their collegiate education, and withdrawing the amount of it from the circulating medium of our own state. The cause of religion, therefore, the interests of general science, and of the useful and ornamental arts, as well as the principles of economy, urge me to suggest for your consideration, either the relieving of Dickinson College, at Carlisle, from its pecuniary embarrassments,

so as to enable it to resume its functions on a secure and respectable basis; or, what might be more conducive to the credit of the commonwealth, and to the public benefit, the consolidating the funds and interests of two or more of our literary institutions, under such modifications as they would approve, and establishing a university in a central part of the state. An institution of this nature should be endowed in such a manner that the tutors or professors may not be entirely dependent on the casual profit of tuition, or the number of students, which might operate against the maintenance of good order and discipline, nor yet so liberally that they would have no motive left for individual exertion; and its departments should be so arranged that the different grades of education, from the rudiments of grammar to the highest scientific and professional learning, might be obtained.

To provide for the education of the poor, gratuitously, is also a duty equally imperative and important. This subject has at different periods occupied the attention of the legislature; but the measures hitherto adopted have not proved commensurate with the laudable motives by which they were dictated. The diversity of languages taught in the state, with other circumstances, present great difficulties in establishing a general system, that would be wholly free from objection; but I trust they are not insurmountable. Concentrating, as you do, a knowledge of the local situation, and views of the people in every quarter of the state, aided by the light derived from experiments made by your predecessors, you must be competent and, I trust, desirous, to devise a system that will accommodate the wants, and favour the wishes of every section of the commonwealth. Arduous and difficult as the task may be, its performance would bring with it an ample reward. Education has such an influence in improving and expanding the intellectual powers,

and in infusing into youthful and untainted minds, correct ideas of religion, justice and honour, that crimes are not so frequently associated with it as with ignorance and debasement of mind. The general dissemination of information, by enabling all to become acquainted with their duties and rights, tends to prevent the commission of crimes; an effect not to be expected from penal laws alone. It may indeed be questioned, how far it is correct in a government to punish offences without making an effort to enable the people to acquire a knowledge of the laws, and their relative duties in society.

The defects in the administration of civil justice continue to be a topic of complaint. Whether this arises from radical errors in the organization of the whole, or any part of our judiciary system, or from the rule of practice adopted under it, the true cause ought to be sought, and a proper remedy afforded. It must be obvious that however equitable and salutary our laws may be, their beneficial effects must be greatly diminished, unless our public tribunals, by whatever name they may be called, be organized in such a form, and their proceedings regulated in such a manner, that they may expeditiously and satisfactorily apply the provisions of the laws to the cases that arise under them.

The delays incident to the prosecution of suits to a final determination, amount, in some instances, nearly to a denial of justice. It is ascertained, from authentic sources, that one hundred and seventy suits in error are now pending before the supreme court, the period of the decision of which is so distant and uncertain, that the procrastination may prove ruinous to many worthy suitors. As a remissness of duty has not been alleged or insinuated against the judges of the court, this serious and growing evil must be attributed to some other cause, which it is worthy the

wisdom of the legislature to trace, and their duty to remove.

As agriculture and manufactures are the great sources of wealth, and the only solid foundation of our comforts and independence, they are particularly entitled to the fostering care of government. The power of cherishing and protecting manufactures, on an extended scale, or beyond those of the household directly connected with agriculture, belongs more immediately to the general, than the state government. Agriculture, the basis of manufactures, and the most essential of all the arts to the general welfare, is fully within the scope of our constitutional powers to aid and encourage, and has a strong claim to legislative patronage. Pennsylvania, from the free principle of her political institutions, her genial climate, the fertility of her soil, and the enterprise of her citizens, without having received any direct support from the government, more than the common protection afforded to labour and property, deservedly sustains the character of an agricultural state. The knowledge, however, of the art of husbandry, may be improved, and it is not only the interest, but should be the pride of the representatives of an agricultural people, to promote its advancement. Though the art may be enlightened and assisted by science, it is not from speculation and theories alone, but from various and repeated experiments, together with close observation, that a proper knowledge of it is to be attained. The expense of making such experiments, frequently uncertain in their results, few individuals have the ability or inclination to encounter. It might therefore be advantageous, if the commonwealth were to purchase within her limits, several small farms, situated in different latitudes and embracing various qualities of soil, and place them under the superintendence of boards of managers, or voluntary societies, formed for the purpose, with di-

rections, respectively to make experiments of the effects of native manures; of the different modes of tillage; of the cultivation of grains and grasses; of breeding domestic animals; of rearing fruit trees; of the preservation of fruit; of the utility of newly invented implements of husbandry, intended to facilitate or abridge labour; of the cheapest and most durable mode of fencing; and whatever else may be connected with agriculture; and periodically to publish the results, with observations thereon. The expenses of such establishments would be trivial, when compared with the knowledge that might be thereby acquired and diffused on a subject in which every citizen is deeply interested.

To encourage and stimulate industry, the great spring of the improvement and extension of agriculture, easy and safe channels of transportation for the products of the soil to a certain market, are indispensable. By the bounty of former legislatures, and the meritorious exertions of companies incorporated for the purpose, about nine hundred and eighty miles of turnpike road have been completed, and numerous elegant and substantial bridges erected across our principal streams; but much still remains to be performed. The completion of roads, that are now from want of funds progressing slowly under the direction of companies, might, by an accession thereto, be accelerated, and the public interest promoted.

Internal navigation affords the cheapest, the most certain, and the most expeditious mode of transportation; yet there has not been much effected towards its improvement, notwithstanding the number, relative situations and diversified courses of our streams, are admirably well calculated for the purpose. When you reflect on the laudable spirit of enterprize displayed on this interesting subject, by some of our neighboring states, I am persuaded you will concur

with me in the opinion, that to avail ourselves of the benefits that may be derived from our local position, and the other natural advantages which we possess, a general and comprehensive system for the improvement of our internal navigation, ought to be adopted; and that after a proper plan of operations is maturely formed, it should be uniformly adhered to and steadily prosecuted.

The idea of connecting the western waters of the Ohio and the great lakes with the tide water of the Delaware, at or near the city of Philadelphia, has been often suggested, and many believe it to be practicable. There is no object of public improvement more worthy the energies and enterprize of the legislature, and the active industry of the citizens, or one that when accomplished would be productive of more beneficial consequences. It would link together and facilitate the intercourse between the various parts of our territory, be invaluable, in every point of view, in time of peace; and, during war, enable us to transport our means of defence or annoyance to any part of the state with expedition and safety. The celerity with which the Schuylkill Navigation Company has progressed in their undertaking, promises an earlier completion of it than was anticipated; and furnishes probable evidence of the utility of their plan for improving the navigation of rivers. The Union Canal Company have recently ascertained, from accurate levels taken, that a sufficiency of water is attainable on the summit level between the Schuylkill and Susquehanna, to supply a canal of proper dimensions; which warrants the expectation that a water communication can be effected from the mouth of the Tulpehocken on the Schuylkill, to the mouth of Swatara on the Susquehanna, which some had hitherto deemed impracticable. It is alleged that those two rivers may be also connected by a canal from Mill Creek, at the

head of the Schuylkill, to a certain point on the Susquehanna.

It has been likewise said by a skilful engineer, that a canal could be made leading from the Susquehanna at the town of Columbia by the city of Lancaster, to the waters of the Delaware. If the Delaware, by means of the Schuylkill, or otherwise, can be united with the waters of the Susquehanna, it produces a powerful incentive for connecting the latter with the Allegheny; which is considered practicable by various routes. 1st. By the Frankstown branch of Juniata and the Conemaugh. 2d. By the Sinnemahoning and Toby's Creek. 3d. By the north branch of Sinnemahoning and a stream that flows into the Allegheny, designated in its vicinity by the name of Potato Creek. 4th. By Pine Creek, which approaches near to the sources of the Allegheny. It is also considered practicable to connect the waters of Lake Erie with those of the Allegheny river, by French creek, or by the Chetaque lake and Conewango Creek. If the latter route should be preferred, the previous consent of the state of New York would be necessary; which, from her known liberality, could doubtless be obtained. In some, and perhaps in all of these routes, short portages might be necessary. It is, however, said, with some degree of confidence, by those who have a local knowledge of the country and the different streams, that a water communication may be opened from Philadelphia to Lake Erie, without the interruption of a single portage. The waters of the Potomac, as a branch of this great system of water communication, might also be connected with the Susquehanna by means of the Conococheague and the Conodoguinet creeks; the Conococheague being tributary to the Potomac, and navigable, at certain seasons, up to and within the limits of our state. The distance from the Susquehanna at Harrisburg, to the point at which the Cono-

cocheague crosses the line between Maryland and Pennsylvania is about sixty-five miles, and the ground remarkably level. I have also understood from sources entitled to respect, that those rivers might be connected, east of the South Mountain, by the Monocosey and Conewago, the head waters of which nearly interlock. It is obvious, that the connection of these rivers between any of the points, would draw some of the products of two of our sister states, and of several counties in our own state, which now find a market elsewhere, to the city of Philadelphia, so long as that city maintains her ascendancy in capital over the southern seaports. The improvements of the navigation of the rivers referred to, with their tributary streams, within the jurisdiction of the state, as far up and as near to their sources as possible, would form an essential part of the general system, and widely diffuse the advantages resulting from it.

In presenting a view of this extensive system of internal improvement, for your consideration, I am aware, that if approved of, it cannot, from our present resources, be immediately accomplished; but as a measure preparatory to its commencement, which may take place at no distant period, it might be proper, as it would require but a small appropriation, to appoint skilful engineers, to take the surveys and levels of the waters, so far as may be necessary on the routes referred to, or on others that may be suggested, from the Delaware to Lake Erie; by which the relative practicability and expense of improving the navigation by the different routes, may be ascertained, the most eligible one selected; and the prosecution of the work authorised. The magnitude of the undertaking would necessarily attract an accession of mechanical and common labour from other states and countries, and it might therefore be accomplished without injuring our agriculture, and other branches of industry, by withdrawing workmen from those pursuits.

We have no data at present for estimating the expense of completing the system. It is, however, probable that it would exceed what could be expected to be paid by companies associated for the purpose, together with any sum that could be advanced from the ordinary funds of the commonwealth; and that to render efficient aid to the companies that might embark in the measure, it would be necessary to create a distinct revenue, and pledge it for the payment of the stock that the state might subscribe.

The incorporation of companies for carrying on internal improvements has been objected to; but it is difficult to devise a better or more effectual plan for the purpose.—As they are already numerous, and their number is annually increasing, apprehensions are entertained that they may, by combining together, acquire dangerous influence; it might, therefore, be proper, in order to allay these apprehensions, as well as from other considerations, to create a fund, and periodically apply its proceeds to the purchasing the interests of some of the companies in these improvements. They might then either be used by the public free of expense, or tolls collected for the commonwealth, as the state of her finances might justify, and the wisdom of the legislature direct.

Since the adjournment of the last legislature, I have received communications from the governors of Virginia and Kentucky, inclosing resolutions of their respective states, in relation to the appointment of commissioners for examining the obstructions to the navigation of the river Ohio between the city of Pittsburg and Shippingport; of which the commissioner, appointed by your predecessors for a similar purpose, was immediately notified. But the season was then too far advanced to proceed in the business; and, I am informed, arrangements will be made to prosecute it early in the next summer.

I have also received a communication from the board of commissioners, appointed by an act of the legislature of Kentucky, entitled "An act to incorporate the Kentucky Ohio Canal company," requesting a subscription on behalf of this commonwealth in the stock of the company, with a copy of the act referred to. The act directs that five hundred shares of the stock of the company be reserved for the state of Pennsylvania, and a like number for each of the states of Virginia, Kentucky, Ohio, and of the United States. The completion of the contemplated canal, so as to afford a safe navigation past the falls of the river Ohio, near Louisville, would be peculiarly advantageous to a great portion of Pennsylvania, as well as the three states that have been mentioned. We have, therefore, the inducement of interest, stimulated by a just spirit of emulation, to contribute a proportionable share for the promotion of the undertaking.

The secretary will lay before you copies of the act, with the communications and resolutions referred to; also a copy of a communication from the governor of the state of Mississippi, soliciting aid for the Natches hospital, accompanied by a copy of a resolution of the legislature of that state on the subject.

The utility of the arbitration system has been tested, and the advantages resulting from it generally admitted. These advantages may be increased by occasionally reviewing and modifying such of its provisions as experience may have shown to be necessary. The present laws on the subject contain no authority, without the consent of the parties to a suit, to supply vacancies occasioned by the death of arbitrators. This omission is frequently injurious to one or other of the parties. The defendant is required to enter special bail on the appeal from the award of arbitrators, which bail is not liable for the payment of the debt, if the sum recovered in court be less than the amount of the

award. Justice would require that the reduction of the award should not diminish the plaintiff's security for the payment of the sum legally ascertained to be due him.

The laws respecting marriages may deserve the attention of the legislature. The mode of contracting marriages is so various and unsettled, that sometimes disagreeable consequences result from it. Many of them are uncertain in the public eye, and often incapable of proof. As they are the basis of our laws of descent and inheritance, the importance of which is daily increasing, from the extension of population and the accumulation of wealth, it is necessary for their due administration that marriages be celebrated in a regular manner, easily complied with, and susceptible of ready proof. It is therefore submitted for your consideration, that, while the solemnization of marriages by any religious society, agreeable to their respective rules, be as at present sanctioned by law, the form and manner by which the civil authority shall celebrate them, might be more clearly defined and better regulated; and whether it would not contribute to the good order and strength of society, if all marriages were directed to be registered in the proper county, within a certain period after their celebration. It may be proper also to mention the practice of granting licenses for the celebration of marriages, on payment of certain fees to the state. This practice originated in other countries, and was introduced into Pennsylvania as one of the perquisites of the proprietary governors and their secretaries. The power of issuing them has not been continued by any positive law, but is recognised in several of our acts of assembly. The term license, implies a power to prevent; which ought not to be applied to the enjoyment of a natural right. The government may modify and regulate its exercise, but cannot claim the authority to prohibit it. Though

marriages may be legally celebrated without licenses from the state, still, as the recognition of the power of granting such licenses, implies the power to withhold them, it might be proper to abolish them altogether.

The laws for the suppression of vice and immorality, will admit of some beneficial alterations and additions; and particularly that of providing more effectually for their due execution. It is proper also to remark, that much inconvenience annually arises from the late promulgation and distribution of the laws. It is a ground of complaint, that many of them are in force before the people have an opportunity of knowing their provisions.

I am not aware that the principles of our penal code require, at present, any material change. The punishment, however, of kidnapping, is not proportioned to the offence, and requires to be increased. In connection with this subject I have to observe, that it is usual to take coloured persons, in numbers chained together, through our state, and especially the south-western parts of it, without enquiry being made into the cause or object of the procedure. This practice affords inducements to the commission of the crime, and facilities in escaping from detection.

In May last information was communicated by the major of ordnance of the United States, at the city of Pittsburg, that he was prepared to deliver, at any point on the western waters, upon a requisition being made, artillery, with their carriages and implements complete, muskets, rifles, swords and pistols, in such number and proportion as might be required, not exceeding the quota due to Pennsylvania under the act of congress for arming and equipping the whole body of the militia. The arsenal at Meadville was not then completed; and there being no other place on the western waters where they could be conveniently received,

he was requested to retain them in his possession for a limited time. The arsenal has since been completed, and it belongs to the legislature to direct the proportion of the enumerated articles, that it would be proper for the state to receive.

Some of the arms that may be directed to be collected and deposited in the arsenal at Meadville as well as those which are now in the state arsenals at Philadelphia and Harrisburg, require repairs; for which an appropriation is necessary.

The last enrolment of our militia exhibits the number of one hundred and eighteen thousand and sixteen, ready to be called into the public service, whenever the exigencies of the country may require it. To avert the danger and supercede the necessity of standing armies, the auspicious season of peace, might be profitably embraced to amend the defects of our militia system.

Copies will be laid before you of resolutions, adopted by the legislatures of Connecticut, New York, New Hampshire and Mississippi, relative to amendments to the constitution of the United States, which have been transmitted to me by the governors of those states.

The duties enjoined upon the executive by the laws of the last session of the legislature, or that have otherwise occurred, have been performed, or are in a train of execution.

It is, however, with regret that I have to state, that the medals directed to be procured, and presented to Commodore Perry and his associates in arms, are not yet completed. To apprise you fully of the circumstances which have delayed their execution, the secretary will lay before you copies of the correspondence on the subject, which passed during the recess of the legislature.

The accounting officers will shortly deliver to you, agreeably to law, a detailed statement of the finances of the commonwealth. The revenues, if their sources

remain undisturbed, will be sufficient to defray the expenses of the government, sustain the plighted faith of the commonwealth, liberally patronise agriculture and education, and aid internal improvements of every description, with the exception of an extensive system of inland navigation, for which a provision has been suggested.

As, however, the periods of making demands on the treasury for appropriations for some of those objects are contingent and irregular, it may be occasionally necessary, as heretofore, to negotiate temporary loans, in order to enable the commonwealth to fulfil her engagements. The legislature at their last session made provision for such contingencies; and in pursuance of the act of the 22d of March last, I negotiated a loan of 50,000 dollars in the month of April, and another of the like sum in the month of November, with the Philadelphia Bank, at 5 per cent. interest; both payable within four years from the dates of the loans, in such instalments as the finances of the commonwealth might justify. Whether it may be necessary to make further loans under the authority of the act referred to, within the period which it prescribes, depends on circumstances which cannot be foreseen or controlled.

Many of the materials that have been collected, for the erection of the capitol at Harrisburg, may be injured by time; and with all the vigilance that has been exercised for their preservation, they have been gradually wasting. I would, therefore, with deference to the judgment of the legislature, recommend their being applied to the object for which they were originally intended.

The trust confided to the legislative and executive departments, is arduous, and imposes high responsibilities. In the discharge of our respective duties, it is incumbent on us, without abandoning political principle, to endeavor to allay the asperities of party ran-

cour, and to inculcate, by the example of our personal intercourse, by private and public acts, the principles of benevolence and harmony, the solace and happiness of social life.—By pursuing a policy thus magnanimous, and divesting ourselves of every feeling in our official career, but that of zeal to promote the welfare and prosperity of our country, we cannot fail, under the favor of Providence, to continue a great and happy people, and transmit to posterity the distinguished blessings we enjoy.

WILLIAM FINDLAY.

Harrisburg, December 3, 1818.

Documents Accompanying the Foregoing Message:

State of Virginia, Richmond.

Council, Chamber, August 17th, 1818.

Sir—By and with the advice of the council of state, and in obedience to the General Assembly of Virginia, I have the honor of communicating to your excellency, herewith enclosed, a certified copy of a resolution which passed during the last session of the legislature.

The appointment of a commissioner on the part of this commonwealth, to meet such commissioners as have been or may hereafter be appointed, by the states of Ohio, Pennsylvania, Kentucky and Indiana, for the purpose of examining the obstructions to the navigation of the Ohio river, between Pittsburg and Shipping Port, cannot fail to be received as an evidence of that disposition always entertained and ardently desired by this state, to unite and co-operate in rendering that large and beautiful river according to the great design of nature, an immense emporium for all the bordering states.

A liberal exertion and cordial co-operation of those states, to improve and perfect the navigation of the Ohio river, prompted by their best interests, and sus-

tained by their growing resources, must ultimately ensure success. Being fully persuaded of the benefit which this state must derive from the completion of this important work, as well as the more immediate and direct effect which will be produced upon the particular interests and general aspect of the state over which your excellency presides; I cannot but be greatly pleased that it has commenced under the present auspicious circumstances.

The universal zeal that pervades our country for its internal improvement, together with its present prosperous and tranquil condition, renders this a most favorable moment for the five states to unite in the prosecution of the proposed enterprise. It is obvious that a certain and safe navigation, with a good market for the surplus products of the fertile region through which the river Ohio passes, must so stimulate the agriculturists and merchant to increased industry and enterprise, as that a new and more interesting character will be given to that country by developing its real resources.

Nor will the advantages be confined to that country alone; they will be sensibly felt and acknowledged throughout the whole union, more especially in times of war or general exigency.—When this great work on the Ohio river shall be completed, it will form a new inducement, and will strengthen the resolution of the inhabitants resident on its tributary streams, liberally to aid in the improvement of all such as are susceptible of navigation.

In this point of view Virginia is peculiarly interested, having turned her attention to the great object of connecting the eastern and western waters of the commonwealth, by an artificial road on the most improved modern plan, extending from the extreme points of practicable navigation on the waters of the James and Kanawha rivers. In the event of the com-

pletion of this plan, commenced by the state of Virginia, it will open the most direct, certain and cheapest route from the western states to the Atlantic ocean; this must undoubtedly produce a considerable commercial interest between those states and the state of Virginia, which will have the very desirable effect of strengthening the present existing attachments, and binding them more closely to each other by a more frequent interchange of kind offices, and an intercourse bottomed and maintained on the strong ground of mutual benefits and reciprocal interests.

It is believed that the vigilant eye of the president of the United States, aided by the best naval talents, and the most distinguished engineers in the union, is at this moment engaged in the important examination of the Chesapeake bay, in order to decide upon the practicability of defending its entrance by suitable fortifications, with a view to the safety of a naval depot about to be established on York or Elizabeth river, as also for the protection of those towns, cities and extensive country, which were exposed during our former wars to predatory incursions and destruction, from the superior naval force of the enemy with which we have had to contend.

Should this great national object be effected, (of which I have no doubt), of commanding the entrance of the Chesapeake bay, even in time of war, a commercial intercourse will be kept up between the different states of the union, which would lessen its privations and calamities infinitely; and it would also be regarded as additional inducements to the various states, which would be affected by it, to give a due attention to the internal improvement of their roads and rivers, which would be imparting strength, permanence and stability to the union.

I herewith forward to your excellency a copy of the report of the principal engineer of the board of public

works of Virginia, on the subject of the obstructions to the navigation of James and Jackson's rivers, and the obstructions to the navigation of the Great Kanawha river, between the great falls of that river and its confluence with the Ohio river.

It is hoped that such steps will be immediately adopted by your excellency, as will enable the commissioners appointed by the respective states to perform the duties required, and in time to prepare and render their reports to the next session of the respective legislatures.

With great respect,

I have the honor to be, sir,

Your most obedient servant,

[Signed] James P. Preston.

William Findlay, Esq., Governor of Pennsylvania.

A Resolution,

Appointing a commissioner to examine certain obstructions to the navigation of the Ohio river.

Resolved, by the General Assembly of the Commonwealth of Virginia, That Samuel Blackburn be, and he is hereby appointed a commissioner on the part of this commonwealth, to meet such commissioners as have been, or may be hereafter appointed, by the states of Ohio, Pennsylvania, Kentucky and Indiana, and with such commissioners, or such of them as may attend for the purpose, to examine the obstructions to the navigation of the Ohio river, between Pittsburg and Shipping Port; and to perform all such other and further duties as are contemplated by the resolutions of the legislature of Ohio, of the 27th of January, 1817; that in the event of the death, resignation or refusal to act, of the commissioners hereby appointed, the Governor with the advice of the council of state, shall appoint and commission a successor; and that copies of

this resolution be communicated by the executive of this commonwealth to the governors of Ohio, Pennsylvania, Kentucky and Indiana.

Agreed to by both houses, January 31st, 1818.

State of Kentucky.

Secretary's Office,

Frankfort, 14th May, 1818.

Sir—I have the honor to transmit to your excellency the copy of a resolution passed by the legislature of this state, at their last session. Should the legislature of your state think proper to meet the views contemplated in said resolution, a commissioner (general John Adair), has been appointed on the part of this state, who is ready to co-operate with the commissioners from the other states in carrying the proposed object into effect.

I have the honor to be,

Very respectfully, yours, &c.,

[Signed] Gabl. Slaughter.

His Excellency the Governor of Pennsylvania.

Resolutions,

Relative to the navigation of the Ohio river.

Resolved, by the General Assembly of the Commonwealth of Kentucky, That a commissioner be appointed by a joint vote of the Senate and House of Representatives, and in case of his death or resignation, the acting Governor is hereby authorised to appoint a successor or successors, who shall on the part of this commonwealth, meet the commissioners who are or may be appointed by the states of Ohio, Pennsylvania, Virginia and Indiana, or either of them; whose duty it shall be, together with the said commissioners, to

examine the obstructions to the navigation of the Ohio river, noting the probable expense, that will attend their removal; and generally to perform the duties contemplated by a resolution of the state of Ohio, relative to the navigation of the Ohio river, bearing date on the 8th day of February, 1817.

Resolved, If the states aforesaid shall agree to unite in the improvement of the navigation as aforesaid, then, and in that case, the faith of this commonwealth is hereby pledged to provide funds to cover its proportion of its expenses of the undertaking.

Resolved, That the acting Governor be requested to transmit a copy of the foregoing resolutions to the Governors of the states of Ohio, Pennsylvania, Virginia and Indiana.

State of Kentucky, Sct.

Louisville, Ky., March 11th, 1818.

Sir—We enclose you a copy of an act passed at the late session of the General Assembly of Kentucky to incorporate a company for the purpose of opening a canal around the falls of the Ohio river. Aware of the importance of the undertaking to the interest of that portion of the territory of Pennsylvania intersected by the Ohio river and its tributary streams, the legislature have made a reservation in favour of that state of 500 shares of the capital stock.

The commissioners appointed to superintend subscriptions, are desirous that this subject should be presented to the proper authority, at as early a period as possible; in the full hope that they will cheerfully co-operate with us in the accomplishment of so use-

ful a design. We request an answer as soon as the nature of circumstances will permit.

With high consideration,

Your obedient servant,

[Signed] Richard Steele, Chairman.

Wm. Tomkins, Sec. B. Com.

His Excellency, William Findlay, Governor of Pennsylvania, Harrisburg.

AN ACT

To incorporate the Kentucky Ohio Canal Company.

Whereas, it appears that the opening of a canal around the falls of the Ohio river, will be of great public utility; and the highest interests of this state and the states of Ohio, Pennsylvania, Virginia, and of the general government, require of the Legislature of Kentucky, the adoption of suitable measures for the immediate commencement of this national work—

Therefore,

Sect. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a company shall be formed under the name, style and title of "The Kentucky Ohio Canal Company," for the purpose of opening a canal navigation, with suitable locks, around the falls of Ohio river, on the Kentucky side thereof.

Sect. 2. Be it further enacted, That the capital stock of said company shall be six hundred thousand dollars, divided into six thousand shares of one hundred dollars each.

Sect. 3. Be it further enacted, That books for the subscription to the stock of said company, shall be opened in the town of Louisville, on the first Monday in April next, at such place as the commissioners here

after named shall direct, to continue open from day to day for one month, and afterwards from time to time by adjournment or otherwise, as the commissioners shall think best, until the whole sum hereby authorized to be subscribed, shall be taken.

Sect. 4. Be it further enacted, That William Lytle, Thomas Prather, Richard Steele, John Gwathmey, Wordon Pope, Cutlibert Bullit, Thompson Gray, Levi Tyler, David L. Ward, James A. Pearce, Craven P. Luckett and Archibald Allan, shall be and they are hereby appointed commissioners under this act, who shall have power to appoint one of their body as chairman, and a fit person as secretary to the board, which shall be denominated The Board of Commissioners for the Kentucky Ohio Canal Company. The said board shall possess power to appoint two or more persons at as many towns and places within this state, or any other state or territory, as commissioners to open books, for the subscription of stock in said company, in such manner and form as they shall prescribe, and to cause them to return their books of subscription, or report the amount subscribed, and by whom, as often as shall be required by the board of commissioners at Louisville.

Sect. 5. Be it further enacted, That of the capital stock of said company, two thousand five hundred shares shall be reserved to be subscribed by the respective states, whenever they shall think proper to do so, that is to say: for the state of Kentucky five hundred shares; for the states of Ohio, Pennsylvania and Virginia, five hundred shares each; and for the general government five hundred shares; and the board of commissioners at Louisville shall possess power to take such steps as they may think best, to induce the general government, and each of the states for which stock is reserved, to consent to take the

amount of said stock, and the stock when taken by the United States, or either of the states, for which the same is hereby reserved, shall vest the same power in the authority as authorised by each statute respectively, and to vote at each annual or general meeting of stockholders, to elect a president and directors, as individuals or bodies politic or corporate possess.

Sect. 6. Be it further enacted, That the subscriptions to the capital stock of said company, shall be made in the following manner: at the time of subscribing each person shall give his note negotiable, payable at the Louisville branch bank of Kentucky, for the amount of five dollars on each share subscribed, payable ten days after the first general meeting of stockholders, and election of president and directors, of which meeting at least thirty days notice, as aforesaid, shall be given; and twenty dollars on each share including the first five, within sixty days after such election, and ten dollars on each share every ninety days thereafter, until one-half the stock shall be paid, and ten dollars in every six months thereafter, unless in the opinion of the president and directors, a longer time of payment may be given, of which they shall give notice in the public papers printed at Louisville.

Sect. 7. Be it further enacted, That no subscriber shall have any benefits, or draw any dividend from said company, while any failure exists in the payment of any instalments as they become due, and on failing three months at any time, to pay any instalment, shall forfeit the same to the use of the company, or such shares may be sold for the benefit of said company, the owner always being liable for any deficiency occasioned by such sale.

Sect. 8. Be it further enacted, That when it shall appear by the returns made to the board of commissioners at Louisville, that one half of the stock to be

subscribed for by individuals, bodies politic or corporate, has been taken, they shall immediately take the necessary steps to have a general meeting of the stockholders called at such time as they may think proper, giving not less than thirty days notice in the public papers printed in Louisville, Frankford, Lexington and Cincinnati, of such time and place of meeting, for the purpose of choosing a president and seven directors of Kentucky Ohio Canal Company.

Sect. 9. Be it further enacted, That the company, when so formed, shall be and they are hereby created, and made a corporation and body politic, by the name, style and title of the "President and Directors of the Kentucky Ohio Canal Company," and shall so continue and have perpetual success, and by that name are hereby made able and capable in law to sue and be sued, plead and be impleaded, answer and be answered, in all courts of law and equity in this state, and elsewhere, and to make, have and use a common seal, and the same to break, alter or renew at pleasure, and also to ordain and establish such bye-laws, ordinances and regulations as shall appear necessary for regulating the concerns of said company, not being contrary to this act, or to the constitution or laws of the United States, and of this state.

Sect. 10. Be it further enacted, That the number of votes to which each stockholder shall be entitled, shall be according to the number of shares they may hold, in proportion as follows: for every share under five, one vote; for two shares over and not exceeding ten, one vote; for every four shares over ten, and not exceeding thirty, one vote; for every six shares over thirty, one vote; for every six shares over thirty, and not exceeding sixty, one vote; for every eight shares over sixty, and not exceeding one hundred, one vote; and for every ten shares over ——— hundred, one vote; and after the first election, no share or shares shall

confer a right of voting, which shall not have been holden three callender months previous to the day of election. All stockholders who are residents of the United States, and no others, may vote by proxy, and none but a stockholder shall be eligible as a president, directors and treasurer; and every president, director and treasurer, as the case may be, shall cease to be such, on his ceasing to be a stockholder.

Sect. 11. Be it further enacted, That the stockholders in said company shall meet annually on the first Monday in April, in every year, for the purpose of choosing a president, seven directors, and treasurer as aforesaid, to continue in office for one year, and until others shall be chosen in their place; and the first president and directors shall continue in office from the time of their election, until the first Monday in April, one thousand eight hundred and nineteen, and until others shall be elected as aforesaid in their stead; and in all vacancies which shall happen in their body, the board shall fill such vacancy until the next annual meeting.

Sect. 12. Be it further enacted, That the president and directors of said company, by themselves, or agents, shall have full power to enter with their superintendents, and workmen, as they shall find necessary, into and upon any lands in the vicinity of the proposed canal, and to survey and lay out such route or tract as shall be deemed by them most practicable for effecting a safe and easy navigation by means of locks or other devises, doing as little damage as possible to the grounds and enclosures. And it shall be lawful for the president and directors to contract and agree with the owners of the lands and tenements for the conveyance of so much as will be necessary for the purpose of making and perfecting the said navigation, and of erecting and establishing all the necessary

locks, works and devices to such navigation belonging, if they can agree with such owners; but in case of a disagreement, the said company may lay out and open their works on such grounds as they may deem best adapted to the purposes of navigation. And on application of either party to the circuit court of Jefferson county, they shall appoint six persons, who shall be freeholders and disinterested, to view and assess the damages, and make report thereof to the court, which report when confirmed and entered of record by said court shall be final, and on payment of the money shall vest in the said company, the fee simple of said land, and for the use of water to erect water works of any kind or description, a mutual contract and agreement shall be made by the proprietor, or proprietors, and said company.

Sect. 13. Be it further enacted, That it shall and may be lawful for the said president and directors with their superintendents, artists, workmen, laborers, carts, waggons, sleds and other carriages with their beasts of draft and burden, and all necessary tools and implements to enter into and upon the lands contiguous or near to the tract of the intended canal, and to take and carry any stone, gravel, earth timber, and being most conveniently situated for making or repairing said lock navigation, and to use the same in carrying on the said works, having first made compensation for the same to the owner of said lands if they can agree, if not, then by valuation in the same manner as before directed; and when the said canal with sufficient locks shall have been completed, of at least thirty feet in width in the bottom, and of a convenient slope to the top, and of a depth at low water of at least four feet and one half sufficient to carry through the whole distance of said canal, any boat or craft not carrying more than four feet of water, then

and in that case the said president and directors, by themselves, their agents and servants shall have power and authority to demand and receive from the owner or owners, master or manager of all boats, vessels, or other water craft for the passage of said canal, that is to say:—For a loaded flat boat ten dollars; for an empty flat boat six dollars; for a loaded steam boat, per tonnage, one dollar fifty cents; for an empty steam boat, per tonnage, seventy-five cents; for a loaded barge, per tonnage, one dollar fifty cents; for an empty barge, per tonnage, seventy-five cents; for a loaded keel boat, per tonnage, one dollar fifty cents; for an empty keel boat, per tonnage, seventy-five cents; for a loaded sea vessel, per tonnage, one dollar fifty cents; for an empty sea vessel, per tonnage, seventy-five cents; for all and each of the above vessels if in part loaded in proportion as seventy-five is to one hundred fifty cents per tonnage; and for all and each of the above vessels, boats, or other craft, whether loaded or unloaded, in ascending the said canal, double the rates hereby allowed; and the said company shall keep and maintain a skilful person for opening the locks, and for assisting the boatmen in their passage through the same; and if any boat, raft or other vessel shall be prevented from passing through any of the said locks or sluices by reason of the lock not being raised or opened for more than one hour, unless they shall be prevented by reason of some indispensable repairs necessary to be done to said locks, the president and directors of the company shall on conviction thereof, before any justice of the peace for Jefferson county, forfeit and pay to the person or persons so hindered, the amount of one half part of the toll, which boat, raft or other vessel is by law obliged to pay for passing through said locks or sluices, for every two hours thereafter.

Sect. 14. Be it further enacted, That if the said company shall neglect or refuse to keep in good order or repair, any dam, lock or sluice of their own construction, or neglect to remove any obstacle which may occur so that boats, rafts or other vessels may at all times navigate the said canal with safety, the president, directors and said company shall for each and every such offence, forfeit and pay a sum not exceeding fifty dollars for the use of any persons who may have been injured or detained by such neglect or failure.

Sect. 15. Be it further enacted. That if any person or persons whatsoever shall wilfully and knowingly do any act or thing whatsoever, whereby the said navigation or any lock, gate, engine, machine or device thereto belonging, shall be injured or damaged, or shall commit any wilful trespass, or take, carry away or conceal any engine, device, machine or instrument used in or about the said locks, or shall open or cause the said locks or gates to be opened, or attempt so to do, or pass or repass the same without the knowledge or consent of the agent or manager to said canal, he, she or they so offending shall forfeit and pay to the said canal company, their tenant or agents three fold the costs and damages by said company sustained, by means of such known and wilful act, together with costs of suit, to be recovered as debts of equal amount are or may be by law required.

Sect. 16. Be it further enacted, That the president and directors shall at least once in every year lay before the General Assembly of Kentucky, during their session, an abstract of their accounts, showing the amount of their capital expended in the prosecution of their works, and when the canal shall be completed they shall make application to the governor of Kentucky, who shall appoint three commissioners not interested in said canal, to examine the same, and

if they shall report that the canal and locks are in order to let boats pass with safety, and agreeable to the true intent and meaning of this act, the governor shall by his license, and under his hand, and the seal of the Commonwealth, allow and permit the said company to collect and receive the tolls allowed by this act. The president and directors shall keep a true and fair account of all monies by them received for tolls, &c., in passing said canal, and report the same annually to the general assembly; and if at any time after the said canal shall have been in operation two years, it shall appear that the clear income and profits will not yield a dividend of twelve and one half per centum per annum on the capital stock so expended, from the time of investing the same, then it shall and may be lawful for the president and directors of said company, or the stockholders at a general meeting, to increase the tolls hereinbefore allowed in a just ratio, so much on each and every allowance thereof, as will raise the dividend up to twelve and one half per centum per annum; and if at any time it shall appear by the said abstract that the income and profits will yield a dividend exceeding eighteen per centum, then, and in that case the legislature reserves the right so to reduce the amount of tolls, as that the dividend shall not exceed eighteen per centum per annum.

State of Mississippi.

Natches, 27th May, 1818.

Sir—I have the honor to transmit to you a resolution of the General Assembly of this state, on the subject of the hospital erected in this city for the benefit of strangers who may require benevolent aid. Among the number of boatmen and other persons who descend and ascend the Mississippi, many from impru-

dence, and others from exposures incident to their vocations, fall sick at this place, and are often without the means of procuring such comforts as their helpless situation requires. Hitherto the Natches hospital has received its principal support from the legislature of this state, and from charitable persons residing within this city and its vicinity. But it cannot be expected that from these sources a sum can be drawn sufficient to accomplish the humane and benevolent objects of the establishment. As the institution is intended chiefly for the benefit of strangers, the legislature have thought that those states who are interested in the commerce and navigation of the Mississippi would, from the interest they of course take in the preservation of their own citizens, willingly contribute to its support. The aid of the state over which you preside, is therefore solicited to enable the trustees to carry into effect their benevolent intentions.

For the present state of the institution, I refer you to the resolution; it may, however, be proper to add, that the best medical assistance is rendered gratuitously, and that the building, which is situated on an healthy eminence, is well calculated to answer the purpose for which it was intended.

I am, with great respect,

Your excellency's,

Obedient servant,

[Signed] David Holmes,

Governor of the State of Mississippi.

His Excellency the Governor of the state of Pennsylvania.

A Resolution,

Relative to a correspondence to be held between the Governor of this state, and the executive authority

of the several states, particularly interested in the commerce and navigation of the river Mississippi.

Resolved, with the concurrence of the Senate, That the Governor of this state, be and is hereby requested, to correspond with the executive authority of the several states, particularly interested in the commerce and navigation of the river Mississippi, on the subject of the Natches Hospital; that he request their aid in support of an institution calculated and intended for the purposes of charity towards poor, indigent and unfortunate strangers, who may fall within its reach; and that he inform them, that the Hospital is now open and in operation, but is destitute of funds commensurate to the great objects and benevolent views of the trustees, and that the people of this state have expended five thousand dollars, independent of donations from charitably disposed persons, towards the institution.

Executive Office.

State of Mississippi,
Natches, 9th July, 1818.

Sir—In conformity to a request of the General Assembly of this state, I have the honor to transmit to you the enclosed resolutions.

With great respect,

Your obedient servant,

[Signed] David Holmes.

His Excellency the Governor of Pennsylvania.

Resolutions.

On the proposed amendment to the constitution of the United States, by the legislature of the state of New Jersey.

Resolved by the Senate and House of Representatives of the state of Mississippi, in General Assembly

convened, That the amendment to the constitution of the United States, proposed by the legislature of the state of New Jersey, on the 13th day of February last, relative to dividing the states into districts for the purpose of electing representatives to congress, and electors for president and vice president of the United States, ought not to be adopted.

Resolved, That his excellency the Governor of this state, be requested to forward a copy of the preceding resolution to each of our senators and representatives in the congress of the United States, and also the Governors of the several states, with a request that the same be laid before their legislatures.

State of Connecticut.

Hartford, June 8th, 1818.

Sir— I have the honor to transmit to you certain resolutions adopted by the legislature of this state at their late session, and to request that the same may be laid before the legislature of the state over which you preside, for their consideration and adoption.

I have the honor to be,

Very respectfully,

Your obedient servant,

[Signed] Oliv. Wolcott.

His Excellency the Governor of Pennsylvania.

At a General Assembly of the state of Connecticut, held at Hartford, in said state, on the second Thursday of May, in the year of our Lord one thousand eight hundred and eighteen.

Resolved, by this Assembly, That for the purpose of choosing representatives in the congress of the United States, each state, shall by its legislature, be

divided into a number of districts, equal to the number of representatives to which such state may be entitled—the districts shall be formed of contiguous territory, and contain, as nearly as may be, an equal number of inhabitants entitled by the constitution to be represented. In each district the qualified voters shall elect one representative, and no more. That for the purpose of appointing electors for the president and vice president of the United States, in each district entitled to elect a representative in the congress of the United States, the persons qualified to vote for representatives shall appoint one elector, and no more. The additional two electors to which each state is entitled, shall be appointed in such manner as the legislature thereof may direct. The electors when convened, shall have power in case any of them appointed as above prescribed shall fail to attend for the purpose of their said appointment, on the day prescribed for giving their votes for president and vice president of the United States, to appoint another or others, to act in the place of him or them so failing to attend.

Neither the districts for choosing representatives, nor those for appointing electors, shall be altered in any state until a census and apportionment of representatives under it, subsequent to the division of the states into districts, shall be made. The division of states into districts hereby provided for, shall take place immediately after this amendment shall be adopted, and ratified as a part of the constitution of the United States; and successively, immediately afterwards, whenever a census and apportionment of representatives under it shall be made. The division of each state into districts for the purposes both of choosing representatives and of appointing electors, shall be altered agreeable to the provisions of this amendment, and on no other occasion.

Resolved, That our senators in the congress of the United States be instructed, and our representatives requested to endeavour to obtain the said amendment to the constitution of the United States.

Resolved, That his excellency the Governor of this state, be requested to forward a copy of the preceding resolution to each of our senators and representatives in the congress of the United States; and also to the Governor of the several states, with a request that the same may be laid before their respective legislatures, for their consideration and adoption.

Albany, June 1st, 1818.

Sir—Agreeably to a request of the legislature of this state, I now transmit to you certain resolutions adopted at their late session, relative to amendments to the constitution of the United States.

I have the honor to be,

With great respect,

Your most obedient servant,

[Signed] De Witt Clinton.

His Excellency the Governor of Pennsylvania.

State of New York.

In the Senate, April 14th, 1818.

Whereas, the legislature of the state of North Carolina, hath proposed an amendment to the constitution of the United States, in the words following, to wit:—

“That for the purpose of choosing representatives in the congress of the United States, each state, shall by its legislature, be divided into a number of districts, equal to the number of representatives to which said state may be entitled. The districts shall be formed of contiguous territory, and contain, as nearly as may be, an equal number of inhabitants entitled by the constitution to be represented. In each district the qualified voters shall elect one representa-

tive, and no more. That for the purpose of appointing electors for the president and vice president of the United States, in each district entitled to elect a representative in the congress of the United States, the persons qualified to vote for representatives shall appoint one elector and no more. The additional two electors to which each state is entitled, shall be appointed in such manner as the legislature thereof may direct. The electors when convened, shall have power in case any of them appointed as above prescribed, shall fail to attend, for the purposes of their said appointment, on the day prescribed for giving their votes for president and vice president of the United States, to appoint another or others to act in the place of him or them so failing to attend. Neither the districts for choosing representatives, nor those for appointing electors, shall be altered in any state, until a census and apportionment of representatives under it, subsequent to the division of the states into districts shall be made. The division of states into districts, hereby provided for, shall take place immediately after this amendment shall be adopted; and afterwards, whenever a census and apportionment of representatives until it shall be made. The division of each state into districts for the purposes both of choosing representatives and of appointing electors, shall be altered agreeable to the provisions of this amendment, and on no other occasion." Thereupon,

Resolved, (if the honorable the assembly concur herein), That our senators in the congress of the United States, be instructed, and our representatives requested to endeavor to obtain the said amendment to the constitution of the United States.

Resolved, (if the honorable the assembly concur herein), That his excellency the Governor of this state be requested to forward a copy of the preceding resolution to each of our senators and representatives in

the congress of the United States; and also to the Governors of the several states, with a request that the same may be laid before their respective legislatures for their consideration and adoption.

Ordered, That the clerk deliver a copy of the said resolutions and recital, to the honorable the assembly.

State of New York.

In Assembly, April 16th, 1818.

Resolved, That the Assembly do concur with the honorable the Senate in all of their preceding resolutions with the recital.

Ordered, That the clerk deliver a copy of the preceding resolution of concurrence to the honorable the Senate.

By order of the Assembly,

Aaron Clark, Clerk.

New Hampshire: Executive Department.

Epping, August 1st, 1818.

Sir—Agreeably to the request of the legislature of this state, I now transmit you certain resolutions, passed by them at their last session, relative to amendments to the constitution of the United States.

I am, respectfully Sir,

Your obedient servant,

[Signed] William Plumer.

His Excellency William Findlay, Harrisburg, Pa.

State of New Hampshire.

In Senate, June 25th, 1818.

Resolved, That it is inexpedient to amend the constitution of the United States, as proposed by the Senate of Kentucky, to wit, "that no law varying the compensation of the members of the congress of the Unit-

ed States shall take effect until the term for which the members of the House of Representatives of that congress by which the law was passed shall have expired"—and that his excellency the governor be requested to forward a copy of this resolution to the executives of the several states.

State of New Hampshire.

In Senate, June 26th, in the year of our Lord one thousand eight hundred and eighteen.

Whereas the general assembly of the state of New Jersey hath proposed an amendment to the constitution of the United States in the following words, to wit:

"That for the purpose of choosing representatives in the congress of the United States, each state shall by its legislature be divided into a number of districts equal to the number of representatives to which such state may be entitled—The districts shall be formed of contiguous territory, and contain as nearly as may be an equal number of inhabitants, entitled by the constitution to be represented. In each district the qualified voters shall elect one representative and no more. That for the purpose of appointing electors for the president and vice president of the United States in each district entitled to elect a representative in the congress of the United States, the persons qualified to vote for representatives shall appoint one elector and no more; the additional two electors to which each state is entitled shall be appointed in such manner as the legislature thereof may direct. The electors, when convened, shall have power in case any of them appointed as above prescribed shall fail to attend for the purposes of their said appointment, on the day prescribed for giving their votes for president and vice president of the United States, to appoint

another or others to act in the place of him or them so failing to attend. Neither the districts for choosing representatives nor those for appointing electors shall be altered in any state until a census and apportionment of representatives under it subsequent to the division of the states into districts shall be made. The division of states into districts, hereby provided for, shall take place immediately after this amendment shall be adopted and ratified as a part of the constitution of the United States; and successively immediately afterwards whenever a census and apportionment of representatives under it shall be made. The division of each state into districts for the purposes both of choosing representatives and of appointing electors, shall be altered agreeable to the provisions of the amendment, and on no other occasion."

Resolved, That our senators in the congress of the United States be instructed, and our representatives requested to endeavor to obtain the said amendment to the constitution of the United States.

Resolved, That his excellency the governor of this state be requested to forward a copy of the preceding resolution to each of our senators and representatives in the congress of the United States, and also to the governors of the several states, with a request that the same may be laid before their respective legislatures for their consideration and adoption.

Philadelphia, 8th June, 1818.

• The Hon. Thomas Sergeant:

Sir—Mr. Trimble, deputy secretary, called on me Saturday last at the request of his excellency the governor, respecting the medals of commodore Perry. I have the pleasure to inform you that the dies were deposited by me at the mint of the United States for striking, but at that time they were so much engaged

in coining that it was impossible for them to attend; and was also deposited in the hands of Mr. Eckfeldt, chief coiner, the sum of six hundred dollars for providing gold and silver for said medals; and I believe the cause of their not being done is the want of a new screw. I called on Mr. Eckfeldt; he has informed me that he intends striking all medals of the United States as those of this state, and when done, I send you the medals on to Harrisburg.

I remain your obedient servant,

[Signed] M. Furst.

Secretary's Office, Harrisburg, August 19th, 1818.

Sir—I received in due time your letter of the 8th June Last, stating the cause of the delay in striking the medals for commodore Perry and his associates, for which you had completed the dies. Not having since received any information on the subject, I must beg you to state the progress making towards a termination of this business, and desire you if they are not done, to use all the means in your power to urge their speedy completion.

The governor directs me to state to you his extreme anxiety to fulfil the intentions of the legislature, by presenting to those brave men the reward assigned by their country, and his ardent hope that it will soon be in his power to do so.

Be good enough to apprise me as soon as possible of the present state of the business.

Respectfully, your obedient servant,

[Signed] Thomas Sergeant, Secretary.

Mr. Moritz Furst, Philadelphia.

Philadelphia, August 27th, 1818.

To the Hon. Thomas Sergeant:

Sir—I have shewn your letter to Adam Eckfeldt, chief coiner of the United States mint, he told me he would write you in answer. I myself have deposited

in the hands of Mr. Eckfeldt, six hundred dollars for gold and silver for medals, some length of time ago.

I am, respectfully, your obedient servant,

[Signed] Moritz Furst.

Philadelphia, September 5th, 1818

Sir—Mr. Furst, the artist who sunk the dies for the medals ordered by the state of Pennsylvania, has shewn me your letter to him, in which you state, that you are anxious to have them completed; and he wishes me to inform you, that the press intended for the striking of them at the mint, had become deficient, and which has been the cause of the delay to this time. I have nearly got it in order now, and hope to be able to begin the striking of them in about one month from this date.

I am sir, respectfully,

Your obedient servant,

[Signed] Adam Eckfeldt.

Thomas Sergeant, Esq., Secretary of the Commonwealth of Pennsylvania, at Harrisburg.

Philadelphia, November 13th, 1818.

Sir—Not having lately received any communication from you on the subject of the medals for commodore Perry and his associates, so long delayed, I would thank you to let me know for the information of the Governor, the present state of that business, and the time when they are likely to be delivered from the mint.

Respectfully, your humble servant,

[Signed] Thos. Sergeant.

Mr. Adam Eckfeldt.

Mint of the United States, Nov. 18th, 1818.

Sir—I have received your favor of the 13th inst. on the subject of the medals for commodore Perry—I am sorry that they have been so long delayed. The cause

has been occasioned by many disappointments in fitting up the press for the purpose, but the difficulties are in some measure removed, and I have now reason to believe that I shall be able to undertake striking medals in the later end of December.

I have also a number to strike for the general government.

I am my dear sir, yours, &c.,

[Signed] Adam Eckfeldt.

Thomas Sergeant, Esq.

To the Assembly Approving a Certain Resolution and
Transmitting a Certain Report.

I have this day approved and signed a resolution relative to the distribution of Smith's edition of the laws, and directed the Secretary to return it to the House of Representatives in which it originated.

I transmit to you copies of a report of the commissioners for the erection of a penitentiary near to the city of Pittsburg.

WM. FINDLAY.

Harrisburg, December 11, 1818.

To His excellency William Findlay, Esq., Governor
of the Commonwealth of Pennsylvania:

The subscribers, commissioners for the erection of a state penitentiary on the public land near the town of Allegheny opposite Pittsburg: Respectfully beg leave to report—

That the select and common councils of the city of Pittsburg, by virtue of the powers delegated to them, by the second section of the act, entitled "An act to provide for the erection of a state penitentiary on the public land near the town of Allegheny opposite Pittsburg, in the county of Allegheny," passed the third day of March, A. D. 1818,—assembled in joint meeting on

Monday the twenty-seventh day of April in the said year, being their first stated meeting in the said month, and elected James Ross, Walter Lowrie, William Wilkins, David Evans and Dr. George Stevenson, commissioners for the aforesaid purposes.

That the said commissioners on the twentieth day of May next succeeding the day of their election, entered upon the duties of their appointment, and having procured a draft of the town of Allegheny, and a plan of the intended penitentiary, and with the assistance of a surveyor examined the whole of the public land near the town of Allegheny, fixed the site of said penitentiary as follows, viz: North of the extended course of the main street, leading through the centre of the town of Allegheny from east to west, beginning at the distance of fifty feet from the western boundary of said town, and one hundred feet northwardly from the parallel of said town, and one hundred feet northwardly from the parallel of the said Main street, and extending northwardly and westwardly a sufficient distance to admit the erection of the contemplated buildings.

The site fixed upon, is in the opinion of the said commissioners the most eligible that could have been selected, and it is high and comparatively level, and commands a beautiful view of the town of Allegheny and the city of Pittsburg, it is also within a convenient distance of the river Allegheny, by which all the materials used in the building except stone, will be transported, and this last will be obtained in the greatest abundance, and of a superior quality, from quarries opened for the purpose, within a fourth of a mile of the building.

The commissioners, then invited proposals by public advertisement for supplying the materials and doing the work of the building, they appointed Mr. Stephen Hills superintendent; and taking into consideration the magnitude of the design, the length of time that

would necessarily be required for its completion, the variety of duties assigned to them, the personal exertions that the faithful discharge of those duties would obviously require; they were induced to appoint a clerk, to preserve the books and papers, keep regular minutes of their proceedings, write contracts to be entered into with the artificers and others, and perform such other necessary duties as might be assigned him by the commissioners.

There being no provision in the act for the appointment of a clerk, the commissioners were unable to affix any salary to the office, but recommended it to the liberality of the legislature to grant such compensation, as to them may seem adequate.

In consequence of the public invitations of the commissioners, various proposals have been received; but the commissioners deemed it advisable for the present season, to limit their views to levelling the site, digging three wells, laying in stone, sand, lime and scantling, digging trenches, and building the the foundation of the principal front and towers. In accomplishing these objects they have expended the sum of seven thousand four hundred and thirty-nine dollars and seventy-eight cents; some further expenditures, however, will yet be made, to secure what has been already perfected, and the commissioners hope to recommence their labours with the season, to prosecute them with unwearied assiduity, and in a short time to complete a building, which for strength and durability will not suffer by a comparison with any in Pennsylvania.

All of which is respectfully submitted.

[Signed] Wm. Wilkins.
David Evans.
George Stevenson,
Walter Lowrie,

Pittsburg, November 12, 1818,

To the Assembly Transmitting Copies of a Letter from the Attorney General relative to Certain Monies.

I TRANSMIT TO YOU COPIES OF A LETTER from the Attorney General, in relation to monies that were due to the commonwealth by the estate of William Nichols, late of the city of Philadelphia, deceased, which have been paid into the treasury by the prothonotary of the supreme court.

WM. FINDLAY.

Harrisburg, December 22, 1818.

Harrisburg, December 14th, 1818.

Sir—In the supreme court of the United States there is a cause, the United States vs. William Nichols, in which the United States claim a sum of money that is held and claimed by the state of Pennsylvania, and which suit will very probably be decided at the next session of that court.

William Nichols, as collector of the internal revenue of the United States, being indebted to the United States in the sum of \$29,271, executed a mortgage of his real estate on the 9th June, 1798, to Henry Miller, supervisor of the revenue for the district of Pennsylvania, for the use of the United States, in the sum of \$59,444, conditioned for the payment of \$29,271; of which \$9,757, were payable on the 1st January, 1799; other \$9,757, on the 9th June, 1799; and the remaining \$9,757, on the 9th September, 1799. A scire facias issued upon the mortgage, returnable to September term, 1800, in the supreme court of Pennsylvania, and judgment was entered thereon, on the 6th of March, 1802. A levam facias was then issued, and the mortgage premises were sold by the sheriff for \$14,530; which sum was brought into court, and deposited with the prothonotary, subject to the order of the court.

William Nichols also, as clerk of the mayor's court of the city of Philadelphia, had received for tavern licences for the use of the commonwealth large sums of money; and upon settlement of his accounts on the 31st December, 1797, in pursuance of an act passed 18th February, 1785, a balance of \$7,894.69 was found due from him to the commonwealth, whereby a lien was created on all his real estate. An appeal from this settlement was filed in the office of the prothonotary of the supreme court on the 6th March, 1798, and judgment was entered in favor of the commonwealth against William Nichols on the 6th September, 1802, for the said balance and the interest thereon, amounting to \$9,987.15.

In this state of facts the attorney general of Pennsylvania moved the court to take the amount of the sum due on the lien of the commonwealth, out of the court for the use of the commonwealth; and the attorney of the United States for the district of Pennsylvania, filed a claim to the money in behalf of the United States under the mortgage, and divers acts of congress, and particularly the act of 3d March, 1797. On the 13th September, 1805, the motion of the attorney general of the state was, after argument, granted by the court.

All the proceedings in the suit were removed on the 30th December, 1805, by writ of error, into the high court of errors and appeals; and the writ of error was there quashed, on the 6th July, 1808.

On the behalf of the United States a writ of error for the removal of the suit was afterwards issued by the supreme court of the United States, under the 25th section of the act of congress, passed 24th September, 1789, in which court the case is now pending.

By an act of the General Assembly of this commonwealth, passed 8th February, 1809, the prothonotary of the eastern district of the supreme court of Penn-

sylvania (Joseph Reed, Esq.), was directed to pay over to the treasurer of the commonwealth, out of the proceeds of the sales of the estate of Wm. Nichols in hands, the sum of \$9,987.15, together with interest thereon from the 6th September, 1802, until the 6th July, 1808, in satisfaction and discharge of the lien of the commonwealth upon the said estate. Accordingly the prothonotary, on the 20th February, 1809, paid the sum of \$13,482.65, into the state treasury.

In a letter received from the attorney general of the United States, he observes, that the suit of the United States vs. Nichols, in the supreme court of the United States, has been "suspended for several years, with the view of giving the state of Pennsylvania an opportunity of appearing if she chooses."

It would perhaps be proper to submit this case to the legislature, in order that they might determine whether any, and if any, what proceedings should be adopted on the part of the state of Pennsylvania, relative to the said suit.

I am, respectfully,

Your obedient servant,

[Signed] Amos Ellmaker.

His excellency William Findlay.

To the Assembly Concerning a State Loan and Transmitting Certain Resolutions of the Legislature of Ohio.

AN ADDITIONAL LOAN OF FIFTY THOUSAND dollars having become necessary to meet the demands on the treasury, I negotiated, on the 21st of December last, a loan of that sum with the Bank of Pennsylvania, at six per cent. interest, payable within four years from the date of the loan, in such instal-

ments as the finances of the commonwealth might justify. The whole amount authorised by the act of the 23d March last, has now been borrowed for the use of the commonwealth.

I herewith transmit copies of resolutions passed by the General Assembly of the state of Ohio, which have been forwarded to me by the Governor of that state, relating to certain proposed amendments of the constitution of the United States.

WM. FINDLAY.

Harrisburg, January 6, 1819.

Executive Office.

Columbus, Ohio, Dec. 7th, 1818.

Sir—Enclosed I have the honor to transmit to your excellency a copy of two resolutions, passed by the General Assembly of the state of Ohio.

I have the honor to be,

Very respectfully,

[Signed] T. Worthington.

His Excellency the Governor of Pennsylvania.

Resolutions.

Resolved, by the General Assembly of the state of Ohio, That in their opinion it is inexpedient to amend the constitution of the United States, as it respects the choosing representatives in the congress of the United States; and also, as to the mode for the appointment of electors of president and vice president of the United States, in the manner proposed by the General Assembly of North Carolina, and by the General Assembly of the state of New Jersey.

Resolved, That his excellency the Governor of this state be requested to forward a copy of the foregoing resolution, to the executives of the several states.

Resolved, by the General Assembly of the state of Ohio, That in the opinion of this General Assembly, it is unnecessary and inexpedient so to amend the constitution of the United States, "that no law varying the compensation of the members of the congress of the United States shall take effect, until the time for which the members of the House of Representatives of that congress by which the law was passed shall have expired," as recommended by the legislature of the commonwealth of Kentucky.

And resolved further, That his excellency the Governor be requested to forward a copy of this resolution to the executives of the several states.

January 30th, 1818.

To the Assembly transmitting the Annual Account of the Northumberland Bridge Company.

I HAVE THIS DAY APPROVED AND SIGNED the following acts of the General Assembly, and directed the Secretary to return them to the houses in which they respectively originated, viz.

* * * * *

I herewith transmit copies of the annual accounts of the Northumberland Bridge Company.

WM. FINDLAY.

Harrisburg, January 27, 1819.

Northumberland, 30th Dec., 1818.

Sir—The board of managers of the Northumberland Bridge company, think it proper, until such time as they shall again be enabled to make a dividend of the amount of the tolls received at the bridge, that your excellency should be furnished with the annual accounts of the company, for your information and

that of the legislature. Conformably to a resolution, I have accordingly the honor to transmit a copy of the annual account up to the 2d day of May last, and of the extracts from the minutes of the board at a meeting held the 24th inst.

I have the honor to be,

With great respect, sir,

Your excellency's,

Most obedient humble servant,

[Signed] J. P. De Gruchy,

President, N. B. C.

His Excellency Wm. Findlay, Esq., Governor of Pennsylvania, &c., &c.

At a meeting of the Northumberland Bridge company, held at the house of the widow Taggart, on Thursday the 24th December, 1818.

Present—J. P. De Gruchy, president.

John Cowden, John S. Haines, Andrew Albright, Jacob Dentler, Charles Hall, George Kremer, managers.

John Boyd, treasurer.

Extract from the minutes.

"The treasurer reported to the board, that of the \$2,500 due to the office of Discount and Deposit at Reading, as per the general account with the treasurer settled the 2d day of May last, he has paid \$1,500, leaving \$1,000 more to pay, for which the president and himself have given their note on behalf of this company, at 90 days from the 1st day of January next."

Resolved, That the treasurer be authorised to pass to the credit of the general account, on account of his advances, the sum of \$1,694.85 $\frac{3}{4}$, being the balance of the toll account from the 2d day of May last to the 20th inst. inclusive.

The treasurer reported a letter he had received from

the cashier of the Northumberland, Union and Columbia Bank, requesting that of the \$2,000 due the bank by the company and payable in February next, \$1,000 thereof may be discharged, and that the remaining \$1,000 will be loaned for 95 days longer.

The treasurer reported the list of defaulters, which continues the same amount as at the May meeting, viz, \$1,133.

A statement of the company accounts was presented by the treasurer up to the 20th inst. inclusive, by which it appears that the treasurer is in actual advance for the company in the sum of \$149.03, which statement of account is ordered to be filed with the papers, under the care of the president.

The board after examining the accounts laid before them, think it proper, although the law does not require it, that a copy of the general account up to the 2d day of May last, should be sent to the Governor for the information of the legislature, and shall continue to be sent annually until such time as a dividend can be made; with a copy of their minutes of this day numbered 1 to 6, and with the assurance on the part of this board that should Theodore Burr, the contractor for building the bridge, pay the company the amount which he owes the company, a dividend will immediately be made, and if he should not ultimately pay, then the \$10,000 stock which the company held as collateral security will be forfeited to the company, and held for their use and benefit.

Resolved unanimously, That the president be authorised to send a copy of the account, and of the extract from the minutes of this day to the Governor of this commonwealth, for the information of the legislature.

A true extract from the minutes.

[Signed] J. P. De Gruchy,
President, N. B. C.

To the Assembly Approving Certain Acts and Transmitting Certain Documents.

I HAVE THIS DAY APPROVED AND SIGNED the following acts of the General Assembly, and directed the Secretary to return them to the respective houses in which they originated, viz.

* * * * *

The secretary will lay before you copies of resolutions of the legislature of Vermont relative to an amendment of the constitution of the United States, forwarded to me by the Governor of that state; and also copies of an act of the legislature of New Jersey relating to the removal of certain obstructions in the river Delaware, transmitted to me by the Governor thereof.

WM. FINDLAY.

Harrisburg, February 18, 1819.

Shaftsbury, Vermont, January 1st, 1819.

Sir—Agreeably to the request of the General Assembly of this state, I have the honor to forward you the enclosed resolution proposing an amendment to the constitution of the United States.

I have the honor to be,

With great respect,

Your obedient servant,

[Signed] Jonas Galusha.

His excellency the Governor of Pennsylvania.

Resolved by the General Assembly of the state of Vermont, That for the purpose of choosing representatives in the congress of the United States, each state shall, by its legislature, be divided into a number of districts, equal to the number of representatives to which such state may be entitled; the districts shall be formed of contiguous territory, and contain, as nearly as may be, an equal number

of inhabitants entitled by the constitution to be represented; in each district the qualified electors shall elect one representative and no more. That for the purpose of appointing electors of president and vice president of the United States, in each district entitled to elect a representative in the congress of the United States, the persons qualified to vote for representatives shall appoint one elector and no more. The additional two electors to which each state is entitled, shall be appointed in such manner as the legislature thereof may direct. The electors when convened, shall have power, in case any of them appointed as above prescribed shall fail to attend for the purposes of their said appointments, on the day prescribed for giving their votes for president and vice president of the United States, to appoint another or others to act in the place of him or them so failing to attend.

Neither the districts for choosing representatives, nor those for appointing electors shall be altered in any state, until a census and apportionment of representatives under it, subsequent to the division of the states into districts shall be made. The division of states into districts hereby provided for, shall take place immediately after this amendment shall be adopted and ratified as a part of the constitution of the United States; and successively, immediately afterwards, whenever a census and apportionment of representatives under it shall be made. The division of each state into districts for the purpose both of choosing representatives and of appointing electors, shall be altered agreeable to the provisions of this amendment. and on no other occasion.

Resolved, That our senators in the congress of the United States be instructed, and our representatives requested to endeavour to obtain the said amendment to the constitution of the United States.

Resolved, That his excellency the Governor of this state, be requested to forward a copy of the preceding resolutions to each of our senators and representatives in the congress of the United States, and also to the Governors of the several states, with a request that the same may be laid before their respective legislatures for their consideration and adoption.

To the Assembly Concerning Certain Medals to be Presented by the Legislature to Captain Oliver H. Perry and Others.

IT IS WITH SATISFACTION I STATE TO THE legislature that the three gold medals ordered by a resolution of the legislature of the 31st January, 1814, to be procured for and presented to Capt. Oliver Hazard Perry, master commandant Jesse Duncan Elliott, and lieutenant John J. Yarnall, have been completed, and have been brought to the seat of government by the Secretary of the Commonwealth, and I shall adopt immediate measures for their presentation. I have, however, to regret that unexpected circumstances have arisen which will probably delay for some time the finishing of the silver medals. These circumstances will appear in the annexed correspondence between the Secretary of the Commonwealth and Mr. Furst, the artist employed to make them.

WM. FINDLAY.

Harrisburg, February 24, 1819.

Harrisburg, Feb. 17, 1819.

Sir—You are probably aware that when I was last in Philadelphia, I received from Mr. Eckfeldt the gold medals which you undertook to have executed. I

understood, however, from him that the die of Perry's head, which is to go on all the remaining medals that are to be made, had failed in the striking and would answer no further. He also informed me that it was very uncertain whether the crown of laurel die would hold out so as to strike the 47 medals it was intended for. He further stated that out of the 600 dollars deposited by you in his hands, the 3 gold medals had cost nearly 400; and that the 49 silver medals would cost about 335 dollars, exclusive of the cost of a new die or dies. It is therefore certain that a new Perry die must be made, and probable that a new crown laurel die will be wanted; and it appears that besides the cost of these there will be a deficit of the money in his hands simply for striking the medals of about 135 dollars.

On examining, since my return, the contract between Mr. Boileau and yourself, I am of opinion that you are bound to complete the whole of the medals, both gold and silver, and deliver them for the sum originally appropriated, viz. 2,000 dollars; all of which has been I find placed in your hands; you having delivered to Mr. Eckfeldt the 600 dollars.

It becomes necessary for me now to apprise you of the state of things, and to desire information of what steps you mean to take towards fulfilling your contract as to the rest of the medals. Be good enough to send me an answer as soon as possible.

Yours truly,

[Signed] Tho. Sergeant, Sec'ry.

Mr. Moritz Furst.

Philadelphia, Feb. 20, 1819.

Sir—I am bound to my agreement with Mr. Boileau, and willing to do so, and make a new head die of commodore Perry, and if the crown should fail, make a new crown die also; and go to the expenses of the whole costs of the medal.

When I got these dies forged by a yankee in this city, he assured me they would stand the striking of as many medals as should be wanted, but he deceived me in this assertion. The loss on my part will be considerable, if government would be pleased to assist me in it I should be thankful, if not I must bear it alone.

I am respectfully, sir,

Your most obedient humble servant,

[Signed] Moritz Furst.

Honorable Thos. Sergeant.

—•—

Proclamation of Reward for the Apprehension of
David Lewis, et al., for the Robbery of John McClelland, of Pittsburg.

Pennsylvania ss:

[Signed] Wm. Findlay.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. By WILLIAM FINDLAY, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, I have received authentic information that on the morning of Sunday, the third instant, about nine of the clock, John McClelland, merchant of the City of Pittsburg, while travelling on horseback from Pittsburg to Philadelphia, was attacked on the turnpike road on Sideling Hill, in Bedford County, by three robbers, with their faces blacked, who presented pistols to his breast; and after pulling him from his horse and taking him near a mile from the public road into the woods, robbed him of a considerable amount

in bank notes and gold, and also took from his saddlebags clothes and letters believed to contain remittances in notes to merchants in Philadelphia.

And Whereas the reputation of the Government, the peace and security of its citizens, and the obligations of justice and humanity require that the perpetrators of offenses so atrocious should be brought to speedy and condign punishment; I have therefore thought proper to issue this proclamation, hereby offering a reward of three hundred dollars to any person or persons who shall apprehend and secure in any jail of this Commonwealth the persons who have committed the said crime, to be paid on their conviction, or one hundred dollars for the apprehending, securing and convicting any of them: And all Judges, Justices, Sheriffs, Coroners, Constables and other officers within this commonwealth, according to the duties of their respective offices, are hereby required and enjoined to be attentive and vigilant in enquiring after and bringing to justice the perpetrators of the crime aforesaid.

Given under my hand and the Great Seal of the State at Harrisburg, this seventh day of October, in the year of our Lord one thousand eight hundred and nineteen, and of the Commonwealth the forty-fourth.

By the Governor.

Samuel D. Ingham,
Secretary of the Commonwealth.

To the Assembly announcing the Appointment of Samuel D. Ingham as Secretary of the Commonwealth.

Harrisburg, December 8, 1819.

Sir:

BE PLEASED TO INFORM THE SENATE THAT I appointed and commissioned Samuel D. Ingham, Esq., on the 6th of July last, to be Secretary of the Commonwealth during my continuance in office, agreeably to the 15th section of the second article of the constitution, in the place of Thomas Sergeant, resigned.

I have the honor to be, sir,

Your most obedient servant,

WM. FINDLAY.

Isaac Weaver, Esq., Speaker of the Senate.

Opening Address to the Assembly—1819.

Fellow Citizens:

THE ANNUAL MEETING OF THE LEGISLATURE affords a periodical recognition of the rights of the people to self-government, and a practical illustration of its policy. This invaluable principle we are bound to uphold, no less from motives of interest, than those of veneration for the memories of our fathers by whom it was established and transmitted to us.

It has hitherto been successfully maintained through the vicissitudes of peace and war; the most sanguine expectations of the genuine friends of American independence have been more than accomplished, and the advocates of the equal rights of man throughout the world have ceased to doubt of the strength and durability of republican government.

An enlightened and patriotic administration of the federal government has elevated its character abroad, while it has realized the hopes and secured the confidence of the people at home.

Pennsylvania, as a member of the union and a separate commonwealth, affords inducements to the exercise of virtue and industry, and security for life, liberty and property.

These blessings, and the degree of health enjoyed under the auspices of Divine Providence in the interior of the state, and the exemption of our metropolis from contagious and malignant diseases, demand our grateful acknowledgments.

The various duties devolved upon the executive during the recess, by the acts of the legislature, have received due attention, and have either been performed or are in a regular course of execution.

The commissioners appointed by law for the erection of the state capitol, have entered into an agreement with an architect to complete the building; a copy of which they will lay before you, accompanied by a report on the subject.

A communication from the governor of the state of Maryland, in relation to the alleged obstructions in the Susquehanna, by the Susquehanna canal company, also a report from the commissioners of the Union canal company, representing the failure of their efforts to obtain further subscriptions for that important work, have been received, copies of which will be submitted to you.

The commissioners appointed to explore a route for a canal to unite the waters of Chickesalungo, Conestoga and French creek, have not commenced that work, in consequence of the insufficiency of the compensation provided by law. It is, however, expected that they will ascertain the depression from the top of the lowest of the dividing ridges, and examine the

supply of water, which will enable them to decide upon the practicability of the connexion, and they will report the result in the early part of the session.

The silver medals, directed by a resolution of the legislature adopted the 31st of January, 1814, to be procured and presented to those citizens of Pennsylvania who gallantly volunteered on board of the American squadron on lake Erie, under the command of captain Perry, have been lately obtained. The measures taken for presenting them and for the delivery of the gold medals, directed in the same resolution, shall be the subject of a future communication.

The provisions of the act passed the 29th day of March last, entitled "A supplement to the act entitled, "An act regulating banks," have not been carried into effect against any of the banks of the commonwealth, though it is probable that their operations may have been in some degree influenced by its existence. It is understood that several of them have not been able to maintain their issues of paper upon a specie basis, and the stockholders have determined to wind up and dissolve their institutions; and others have suspended their operations for the present, with perhaps a similar and laudable intent. But whether we regard the conduct of those concerned in the management of banks, or the force of public opinion, there is little reason to apprehend that a recurrence by any bank to an issue of paper upon any other than a specie basis, will either be attempted, or if attempted, acquiesced in. As long as that standard is preserved, it is worthy of deliberate consideration, whether it may not be most prudent to permit the fluctuating paper of our different banks to find its level through natural, rather than artificial channels. In some parts of the state there is an inequality in the current value of the paper of the banks which pay specie promptly for their notes. However desirable it may be to have a perfect

uniformity in the paper of those banks, it is very doubtful whether any adequate remedy for the inconvenience can be expected from legislative efforts. The regulation of the currency is a power delegated by the constitution to the national government; but the subject is of momentous concern to the state governments; and whatever measure, within the sphere of the powers reserved to them, may be calculated to give stability and permanency to the established standard of value in our country, cannot fail to receive the deliberate and serious attention of an enlightened legislature. The annual report from the banks, directed by law to be made to the legislature, will give more practical information on the subject, and enable them to determine with more certainty, what further regulations it might be proper to adopt.

In turning our attention to the general state of domestic economy, it will be perceived that the present period is one of peculiar difficulty. Whether the pressure for pecuniary resources and general stagnation of business so much complained of, proceed from the improper extension and misapplication of bank credits; excessive importations and consumption of foreign merchandize, heightened by the depression in the price of domestic products and land; the sudden reduction of bank loans; the great depreciation of notes issued by banks that have suspended business, the general distrust of creditors and money lenders, and consequent failure of private credit to afford its usual and necessary aid, or from all these combined with other causes; there can be but little diversity of opinion as to the most efficient and appropriate relief. The subject, therefore, demands the serious consideration of the guardians of the public welfare.

An attentive examination of passing events will justify the conclusion, that notwithstanding many discouragements, there is reason to believe that the gen-

eral distress has arrived at its greatest height; and while it admonishes us that human happiness is not free from alloy, it exhibits nothing to excite further alarm or create despondency.

The prevailing disposition so strongly manifested among the people in every part of the commonwealth to substitute the consumption of domestic products and fabrics in place of foreign, must, if persevered in, give a new spring to many important and productive branches of internal industry; while the determination no less prevalent to curtail unnecessary expenses at the same time, will greatly contribute to relieve individual embarrassments. When those who are involved in debt, shall have reduced their expenditures within their income, and recommenced in whatever degree the payment of their debts, the apprehension of creditors and the pressure upon debtors will in the same proportion be relieved; credit will gradually revive, and a restoration of confidence may be expected to cause dormant funds, now locked up by suspicion and distrust, to flow in their accustomed channels. As a further effect of the same causes, we may confidently anticipate a diminution in the sales and sacrifices of property, together with an increased ability on the part of purchasers and consequent rise in the price of land: the mass of depreciated bank notes will find their way by the payment of debts, into the banks from which they issued; and it is hoped that when any portion of the people shall be relieved from their embarrassments, the formation of other habits in the mean time, aided by their experience of the fatal system of business which has produced so much evil, will thereafter ensure a more cautious and prosperous course.

But whatever may be our reliance upon these operations, as the natural and necessary progress of affairs in a state possessed of so many substantial re-

sources, I submit it to your consideration, whether it would not be practicable and expedient for the commonwealth to co-operate in the general effort to revive credit and arrest the progress of distress. It is believed that a sum of money might be drawn from comparative inactivity by means of the credit of the state, to constitute the fund of a loan office, from which loans might be made upon landed security. This would not only prevent many sacrifices of property by legal process, but essentially aid in giving new life and activity to numerous pursuits of productive industry, and facilitate the progress of restoration from the embarrassments that now surround us.

But it is no less necessary to guard against the return of evil than to devise measures of present relief: our exertions to acquire property are more generally the offspring of necessity than choice; and while a portion of our population incline, either from habit or prejudice, to prefer the fabrics of foreign to those of domestic manufacture, it will be an important duty of the government to endeavor to improve the arts of economy, and encourage the development of our internal resources, as indispensable to our future prosperity.

Whatever doubts may exist as to the policy of our becoming an extensively manufacturing people, the experience of a few past years must have satisfied every discerning mind, that the only safe reliance is upon our own resources, ingenuity and enterprise, which are altogether adequate to the supply of the principal comforts and necessities of life. The community wherein the greatest diversity of appropriate pursuits is encouraged, will feel least sensibly the unfavorable vicissitudes to which all employments are occasionally exposed.

The limited powers of the state government do not admit of an extensive plan for the encouragement

of those branches of industry, that are exposed to a foreign competition; but next to securing by commercial regulations the advantage of the home market, the most beneficial measure will be to stimulate improvements in the skill of our artists, and remove the prejudices which oppose the general use of our domestic fabrics. With a view to this object, it is recommended to encourage the organization of societies in the several counties, solely for the purpose of promoting agriculture, manufactures and domestic economy; and that a sum of money be paid to them from the state treasury, to be distributed by their direction, under proper modifications, in premiums for the advancement of the various branches of internal industry and economy, best suited to the soil, climate and the condition of the people in the respective districts. The time is propitious for the efficacy of such associations; and while the charge upon the treasury would be inconsiderable, the effect of such a stimulus upon a laudable emulation natural to the human mind, would be sensibly felt in the formation of new habits, and in giving an impulse to those pursuits which contribute not less to the permanent prosperity of the community, than to the perfection of our national independence.

On the subjects of education, marriage, the judiciary, militia, and internal improvements, I refer you to my communication to the legislature at the opening of their last session. As, however, it is of great importance to ascertain with precision the extent of improvement to which our inland navigation is susceptible, I would repeat the recommendation, that a board of commissioners be appointed, to make surveys and to take the level of our principal streams, report the practicability of rendering them navigable, and connecting them by canals so as to unite the waters of the western lakes with the tide water of the Delaware

near Philadelphia, accompanied with plans and estimates of the expense of execution. The information that might, without much expense, be thereby acquired, would be highly beneficial, and if the measure should be found practicable, as its accomplishment would contribute nearly to the equal accommodation of our constituents, no sectional jealousy can exist against bringing the resources of the state into operation, whenever they may be required for the purpose.

When we consider the proximity of the sources of the eastern and western navigable waters of Pennsylvania, and the probability that a direct water communication may be made by their connection through the state from the Atlantic shores to the waters of the vast regions of the western states and territories, we can hardly overrate the magnitude of the object that opens to our view and invites our enterprise, or the greatness of the reward that awaits us by its completion.

The commissioners appointed by the states of Virginia, Kentucky, Ohio and Pennsylvania, to examine the obstructions in the navigation of the Ohio river, have lately made a report to me, copies of which are herewith transmitted. It is accompanied with drafts and plots with explanatory notes, evincing the ability and assiduity of the commissioners in executing the duties assigned them. Copies of these shall also be laid before you, as early as they can be prepared. They contain a detailed description of the nature and extent of the obstructions, which it appears can be overcome or removed at a comparatively small expense; and the benefits that would arise therefrom are so fully set forth in the report, that they will, I trust, induce the legislature to adopt the measure it recommends. Whether we view the immediate advantages that would flow to Pennsylvania, and especially to our western city and country by its adoption, or con-

sider the improvement as an important branch in the extensive system of inland navigation alluded to, there is no object of internal improvement to which an appropriation of the amount suggested by the commissioners could be more beneficially applied.

The state being deeply interested in the improvement of the navigation of the river Schuylkill, I was induced in the month of June last to view part of the works that were erected by the company incorporated for the purpose. Some of the dams that had been erected were considerably injured by the last spring freshets, but it is understood that they have been repaired with improvements for their future security. The circumstance has neither abated the zeal of the company, nor diminished confidence in the utility of the plan of improvement they have adopted; and the work is progressing with an activity that does great credit to the enlightened spirit of enterprize with which it was undertaken.

A company was incorporated in July last, for the purpose of making a lock navigation on the river Monongahela. It is not ascertained whether they have commenced the prosecution of the work, or what are the prospects as to its ultimate success.

It may be proper to state, that if the companies incorporated for the purpose of improving our inland navigation, were directed by law to make annual reports to the executive, of the expense and progress of their respective works, some time previous to the meeting of the legislature, much practical information might thereby be collected and usefully diffused, on a subject upon which we have hitherto had but little experience.

The completion of several turnpike roads, authorised by law to be made, and especially those leading directly from the western and northern parts of the state to Philadelphia, would be attended with import-

ant and immediate advantages, and be greatly facilitated by additional aid from the treasury of the commonwealth. The completion of some of the sections of those roads has involved the respective companies, as well as individuals, in heavy pecuniary embarrassments; and as it is believed that this has arisen, more from their disposition to accomplish objects of public utility, than with a view to their private interests, it would be proper to relieve them.

The repeated violation of the laws for the suppression of vice and immorality, evinces the necessity of some efficient measures being adopted for their faithful execution. The breaches of the Sabbath, and the practice of horse racing, with their accompanying vices, and others of a demoralizing tendency are openly committed with impunity. The restraining of vice, and inculcation of virtue, are among the highest and most solemn duties that pertain to a republican government; and to effect which, as well as to sustain our political institutions, it is indispensable that the dominion of the laws be maintained.

I cannot forbear to urge upon your attention the necessity of some provisions for the punishment of the crime of kidnapping, more adequate to the prevention of the offence, as well as more proportioned to other punishments for crimes of inferior grade. It is a melancholy fact that our laws regard the stealing of a horse a more heinous offence than that of stealing a man.

In pursuance of the act of congress for arming and equipping the whole body of the militia, the United States have delivered since the last session of the legislature, to the armorer at Meadville, as appears by his report, five field pieces of six pound ball, with carriages and implements complete for six pieces; also three thousand two hundred and eighty muskets and bayonets, in part of the quota of arms due

this state. The United States had not at the city of Pittsburg in May last, rifles to supply Pennsylvania with five hundred, according to the request of the legislature: but from the intimation of the major of ordnance at that city, there is reason to believe they will be furnished in the course of the next year. On obtaining information that the powder remaining in the arsenal at Meadville was in a perishing state, I directed the armorer to sell it, and pay the proceeds of the sale into the state treasury.

It is expected that the adjutant general will shortly be able to procure a return of the militia, the number and condition of the arms, military stores and camp equipage, belonging to the commonwealth; which will, when received, be laid before you. It has, however, been already ascertained, that an additional appropriation will be necessary to complete the repairs and cleaning of the arms in the several state arsenals.

The accounting and treasury departments will, in conformity to law, report to you a statement of the finances of the commonwealth, and a detailed account of the receipts and expenditures at the treasury, for the year ending on the 30th November last, exhibiting a balance in the treasury of \$39,591.40; from which, and an especial report from the auditor general made to me, a copy of which is herewith transmitted, it will appear that the proceeds of several branches of the revenue have been diminished, and that a considerable portion of the appropriations towards objects of internal improvement, made by laws enacted several years since, have been paid within the year. There are still large balances of such appropriations unpaid, part of which may be immediately demanded, and the remainder probably within the next and two succeeding years; which renders it indispensable to resort to further loans in order to sustain the plighted faith of the commonwealth. These reports will also show that the annual revenues exceed the

annual expenses of the government, by an amount sufficient to pay the interest on the debt already incurred, and such further loans as may be necessary to meet existing engagements for the ensuing year; aid, to a certain extent, internal improvements and other objects for the promotion of the public welfare, and also constitute a fund for the gradual redemption of the debt created. The unexpended appropriations will probably not all be paid before some of the former loans may become due; and as the situation of the finances may not warrant their re-imbursement at the stipulated period, unless specific provision be made for the purpose, I submit for your consideration, the propriety of anticipating their payment, and protracting the time for the demand upon the treasury, by authorising another loan for the whole amount, and issuing stock for the same, redeemable after a given period, at the pleasure of the commonwealth.

In pursuance of an act of the legislature of the 29th of March last, a loan was negotiated with the bank of Pennsylvania, on the 19th of April, for \$50,000; on the 7th of June, for \$40,000, and on the 29th of October, for the like sum, at the rate of six per cent. per annum, payable within four years, in such instalments as in the opinion of the governor the finances of the state may justify.

The trusts confided by our fellow citizens to the several branches of the government, are at once honorable and arduous; in the discharge of which they have a right to expect from us the exercise of vigilance and wisdom, and also that we inculcate, by private precept and example, the spirit of benevolence and all the virtues of social life, and thereby demonstrate, that the dismissal of party jealousy and rancour is not incompatible with an adherence to political principle.

WM. FINDLAY.

Harrisburg, December 10th, 1819.

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Correspondence relative to obstructions in the river
Susquehanna, at the Conewingo Falls.

Harrisburg, March 20, 1819.

His Excellency Charles Goldsborough, Governor of
the state of Maryland.

Sir—In conformity to the directions of the legislature of Pennsylvania, I have the honor to transmit to you a copy of a resolution passed by them on the 16th inst.

I am very respectfully,

Your most obedient servant,

WM. FINDLAY.

Council Chamber, Annapolis, April 21, 1819.

Sir—By order of the Governor and Council, I transmit you a copy of a resolution of the legislature of Pennsylvania, relative to obstructions in the navigation of the river Susquehanna, at the Conewingo Falls, which has been lately transmitted to this department, by the Governor of that State. The Governor and Council direct me to request that you will be so obliging as to furnish them as soon as may be convenient, with such information on the subject of the resolution, as will enable them to make an early and satisfactory communication to the Governor of Pennsylvania.

I have the honor to be,

With great respect,

Your obedient servant,

[Signed] Ninian Pinkney,

Clerk of the Council.

John Oliver, Esquire, Governor of Susquehanna Canal
company.

Council Chamber, Annapolis, May, 1819.

Sir—I do myself the honor to enclose to your excellency the enclosed copy of a letter which I wrote to

the governor of the Susquehanna Canal company, for the purpose of shewing to your excellency, that due attention will be paid to your communication by the executive of Maryland. In the course of a short time you may calculate on receiving a reply to your letter.

I have the honor to be,

With great respect,

Your obedient servant,

[Signed] Ninian Pinkney,

Clerk of the Council.

His Excellency the Governor of Pennsylvania.

Council Chamber, Annapolis, June 30, 1819.

Sir—I have the honor to transmit to your excellency a copy of a communication lately received from the governor of the Susquehanna Canal company, on the subject of the obstruction of the free navigation of that river, alleged to have been occasioned by the works of that company, and which was the subject of your communication of the 20th of March last.

With much respect,

I have the honor to be, sir,

Your obedient servant,

[Signed] C. Goldsborough.

His excellency the Governor of Pennsylvania.

Baltimore, June 21, 1819.

Sir—I have received your letter of the 21st April, inclosing a resolution of the legislature of Pennsylvania relative to certain supposed obstructions to the free navigation of the Susquehanna river.

His excellency the Governor and the honorable Council may be assured that the complaints referred to, and which produced the resolution are without any just foundation.

The charter of the Canal company authorises them to use the water of the river for the purposes of supply-

ing the canal, and also the works to be erected thereon. In exercising this power the company has been extremely careful not to abuse it, or extend their privilege beyond the point that was essentially necessary to answer the purposes for which it was granted, and in every instance they were governed by the opinion and judgment of skilful engineers. The canal is taken from the eastern shore of the river, and commences about five miles south of the Pennsylvania line, at an island, called Lane Island, the entrance being protracted, on one side by the island and on the other by the main land.

From the north west point of the island, a wing dam has been extended up the river in a line nearly parallel with the shore, a distance of about 1,000 feet to a ledge of rocks, to which it is secured. The object of the dam is to procure a sufficient head of water to supply the canal and the works erected thereon with a sufficiency of water at all times. When the river is high it flows over the dam; and in this state, arks, rafts and boats of every kind pass over it without difficulty or danger. When the river is low, it is both difficult and dangerous to descend the natural bed of the river on account of innumerable rocks and shoals, so that the dam cannot be justly considered the obstacle to a free navigation.

By the erection of a dam a fall of about 18 inches is gained, which throws no more water into the canal when the water is low, than is indispensably necessary for working the locks and supplying the different mills with water. The river at the head of the canal is about one mile and one-fourth wide. From the eastern shore to the dam, is only two or three hundred yards, so that the great body of the river is open and free to all who choose to use it. Instead of an injury, the dam is a great benefit to navigators. It affords a safe and secure harbor for arks and rafts, and has been and will be the means of preventing the destruction

of many lives and much property. But by taking another view of the subject, the complaints to the legislature of Pennsylvania will appear to be still more unfounded. The course taken by the pilots before the completion of the canal, was down the west side of the river. That course is still open to them without hindrance or impediment from the art or contrivance of man.

The channel on the east side was formed and cleared at the expense of the Canal company, that there might be one plain and easy direction for the government of the pilots "to hug the eastern shore." The case may be assimilated to a turnpike road formed upon a new route, leaving the old one still open. Travellers make their option in time, whether they will pay toll for the benefit of the better road, or whether they will pursue the old route and save the toll. This is the exact situation of things as to the canal, and the channel leading to the canal, those who do not expect to pay ought not to attempt the use of them, but pursue the old, broad and open course. It is probable that a late extension of the wing dam may be the immediate cause of the complaint. This extension was caused by an improvement in the canal; it was heretofore objected by raftsmen that great delays took place in passing through the locks, and that rafts were taken apart when they exceeded 90 feet, the length of the chamber, and of course injured.

To obviate this complaint and give dispatch to long rafts (some of which are 150 feet) without separating the parts, inclined plains have been executed which promises to answer the intended purpose. This contrivance rendered an additional supply of water absolutely necessary. To obtain this supply the dam was extended, and to take it away, will be to destroy the utility of a work calculated to facilitate navi-

gation and to injure the property and interest of the Canal company, without reason or necessity.

These few observations it is hoped will satisfy the Governor of Pennsylvania, that the improvement, and not the injury of the navigation of the Susquehanna is the sole aim, and true interest of the Canal company.

I have the honor to be sir,

Your most obedient servant,

[Signed] John Oliver,

Governor of the Susquehanna Canal.

Ninian Pinkney, Esq., Annapolis.

State of Maryland, to wit.

I hereby certify that the foregoing is a true copy of the original on file, in the executive department of the said state.

In testimony whereof, I hereunto set my hand, this twenty-sixth day of June, eighteen hundred and nineteen.

[Signed] Ninian Pinkney,
Clerk of the Council.

Managers of the Union Canal Company, to the Governor, relative to additional subscriptions to the stock of said company.

His excellency the Governor of the Commonwealth of the Commonwealth of Pennsylvania:

Sir—In compliance with the duties of our appointment, under the act of the legislature, passed the 29th day of March, 1819, we, after due notice, on the 17th day of May opened the books of subscription for the additional shares, as prescribed by the law in the Union Canal company of Pennsylvania, and continued them open for ten days without any success.

Our failure at this time has induced us to address

the president and officers of the Union Canal company, urging their immediate procedure in the raising of money by lottery, that no time may be lost, should a favorable change in the times enable us or others to re-open the subscription with fairer prospects from an increased fund for this great national improvement, from the funds raised by the sale of the lottery.

We are sir, with due consideration,

Your obedient servants,

[Signed] J. Ridgway.

Saml. Mifflin.

Cadw. Evans, Jun.

Thomas Biddle.

Tr. Camac.

Philadelphia, July 3, 1819.

Report of Commissioners on a view of the obstructions of the river Ohio.

The commissioners appointed by the states of Virginia, Kentucky, Pennsylvania and Ohio, to examine the obstructions in the navigation of the Ohio river as contemplated by a resolution of the state of Ohio of the 27th January, 1817, having performed that service, respectfully submit the following report:

In the early part of February last, a correspondence was commenced between the commissioners for fixing the proper time of meeting. This correspondence resulted in designating the first Monday in August for that purpose; at which time the commisisoners from Virginia, Ohio and Pennsylvania met at the city of Pittsburg. Unfortunately the commissioner on the part of Kentucky, received no notice of this appointment in time to aid in the examination. But from his knowledge of the Ohio river generally and of the falls

opposite Louisville in particular, and from the facts collected by his colleagues, he is able to join in the present report.

From the state of Indiana, which was embraced by the original resolutions of the state of Ohio, no information has been received; and it is not known to any of the commissioners, whether that state has acceded to the proposition.

On meeting at Pittsburg the commissioners after examining and comparing the instructions from their respective governments, were clearly of opinion, that although there were but three of them present, it was their duty to proceed with the examination.

On considering the resolution of the state of Ohio, to which those of the other states referred, the commissioners found that it was expressed in very general terms and much left for construction.

Thus situated they were anxious, whilst they avoided everything involving unnecessary expense, not to omit any preparations or examinations calculated to carry into effect the enlightened views of their respective states.

Although in the opinion of the commissioners, it would have been desirable to have taken a survey of the whole river, and to have ascertained the fall in every mile, yet neither the letter nor the spirit of their instructions authorised this procedure. Their attention was therefore fixed on making an efficient, practical and scientific examination of the different obstructions. These generally consist in rocks, sand and gravel bars, and are always located at the different falls or rapids; though in some places there are rapids which present no impediment to the navigation, other than the fall of the water. It was therefore determined to take a survey of each obstruction, to ascertain by actual soundings the depth of water under six

feet on each shoal, and the whole fall from the commencement of the rapid to its termination.

For the assistance of the commissioners in an examination thus varied, it became necessary to employ a surveyor, and to procure a boat and tender with the necessary pilot, chain carriers and boatmen. In pursuance of this determination, Magnus M. Murray, Esq., was appointed surveyor, and the commissioners avail themselves of the present opportunity, to state that he discharged the duties of his appointment, to their entire satisfaction.

Whilst dilating their proceedings in making the necessary arrangements, the commissioners take great pleasure in noticing the prompt and efficient assistance they received from the corporation of the city of Pittsburg. At a special meeting of the select and common councils, a joint committee was appointed with instructions to procure a suitable boat or boats, and the necessary stores; and also to tender to the commissioners, the use of any mathematical instruments belonging to the city, which might be thought necessary. In pursuance of this resolution, the committee procured and placed at the disposition of the commissioners, a large and a small boat, properly fitted up and furnished with necessary stores. In the purchase of these articles, the committee expended five hundred and twenty-two dollars and sixty-four cents, which sum in the opinion of the commissioners, ought to be repaid to them in equal proportions by the respective states, after deducting one hundred and twenty-three dollars, the amount for which the boats and furniture sold when the examination was finished. This attention of the city councils, whilst it forwarded the commissioners in their proceedings, and put them in possession of some instruments difficult to be procured, but indispensably necessary, was also acceptable to them in another respect, as neither of the commission

ers had received any pecuniary advances from their respective states.

In making a detailed and particular report of the impediments to the navigation, the commissioners refer to the drafts and plots herewith exhibited. The notes and facts there stated, it is deemed unnecessary to embody in any other form.

On considering the impediments to the navigation of the Ohio river generally, it will be seen that they consist principally in bars formed of gravel, and bars formed of sand and gravel; solid ledges of rocks are however found in some places, extending across the bed of the river, and presenting impediments difficult and expensive in their removal. Detached rocks are scattered in every part of the river, forming very serious impediments to the descending navigation; but these are insulated, and in general not attached to the bottom. Hence, although their number is considerable, it is not anticipated that the expense of their removal will be great.

Logs, and in many instances whole trees, with their roots and branches sunk and lying on the bottom, are also numerous. These, though sometimes presenting no obstruction, are frequently dangerous, and great care is necessary in avoiding them. It is, however, believed that with the application of machinery of sufficient power, all that are dangerous can be removed at an expense comparatively small.

The sand and gravel bars being the most serious, as well as the most numerous obstructions to the navigation, the best mode of removing them, and the probable expense, has exercised much of the attention of the commissioners. In speaking of the improvement of the river generally, they have no difficulty in expressing their decided judgment, that the obstructions can be removed or overcome; and that the navigation of the whole river can be rendered safe and certain at

the lowest stages of water, for vessels of sufficient burden, and that at a less expense than is generally supposed; but whether these improvements will be best effected by cutting a channel through the bar, or by raising wing-dams, or whether a channel and wing-dams may not all be necessary to overcome the same impediment, can only be ascertained by experiment.

The commissioners deem it superfluous to offer any arguments to shew the advantages that would result from the improvement of the navigation of this noble stream. Were any wanted, it would only be necessary to allude to the loss of property occasioned by the wreck of descending boats, to the painful spectacle of steam boats, barges and even vessels of less burden, locked up for the want of sufficient depth of water; many of them lying on the bars, none of them in a good state of preservation, and numbers going rapidly to decay, whilst through a fertile and populous region of 1,000 miles in extent, the commerce and interchange of domestic commodities are completely embargoed.

In a table accompanying this report, the different obstructions are placed in five classes. By this table it will appear, that in the first class, there are eight shoals on which the depth of water at the lowest point on each, is from two feet four inches, to two feet six inches. In the second class there are twenty-four, between two feet six inches and three feet. In the third class, there are thirteen between three feet and three feet six inches. In the fourth class, there are twenty-two between three feet six inches and four feet. And in the fifth class are thirty-five between four feet and six feet. It is necessary, however, to observe that this classification is made with reference to depth only; and that some obstructions placed in the lower classes will be removed with much less expense than some others, which have more depth of water. By a reference to

the drafts it will be seen that some of the bars though shallow, are not of any great extent.

The facts exhibited by this table, sufficiently indicate the obstructions which should be first removed. By commencing with those of the lowest class, and proceeding to the others, the navigation will be rendered of a depth nearly uniform through the whole course of the river.

The commissioners are aware that it is not specially required of them to suggest any plan to the respective states, for the improvement of the navigation. Their duty principally consists in examining and reporting the obstructions. They are also required to note the probable expense of their removal; this part of their duty, they have found to be exceedingly difficult, and no estimate they have yet made, has satisfied themselves. Instead, therefore, of designating any sum, the commissioners would most respectfully suggest, that each state appropriate ten thousand dollars, to be expended under the direction of agents appointed by the states respectively. That these agents be authorised to act jointly or separately, that they be required to commence with the obstructions of the first and second classes, and annually to report their proceedings to their respective governments.

The sum of forty thousand dollars, judiciously applied, would be of lasting benefit to the navigation, and by the reports of the agents the respective legislatures would be enabled to decide on the expediency of further appropriations.

From satisfactory information, and from the particular knowledge of the river below the falls at Louisville, possessed by one of themselves, the commissioners are enabled to state, that the obstructions in that part of the river are few in number, and generally similar to those above, with the exception of "Little chain" and "Grand chain," which are formed of rock, and at

low water present serious obstructions to the navigation.

The commissioners in performing the labors assigned them, at the falls of Ohio, after a careful examination, are clearly of opinion that a canal and locks round the falls, is the only mode by which a safe and convenient passage can be procured for vessels drawing six feet of water, at all seasons of the year. To attempt an opening in the bed of the river through the rock, of sufficient breadth and depth to afford a sluice or channel of six feet water, would be a work of much difficulty, great expense, uncertain in its duration, as the labor could only be performed at low water, and at last doubtful as to its consequences and utility. Believing then, that the great object of a safe and certain navigation at all seasons can only be obtained by means of a canal and locks, the commissioners have caused an accurate survey to be made of the river, from the head of the falls to the foot, a drawing of which, together with that of the sites, contemplated for canals on each side of the river, will be found accompanying this report.

The estimate of the expense of each canal, as calculated by Mr. Baldwin, on the Kentucky side, and by Mr. Flint on the Indiana side, adding to Mr. Baldwin's calculation two feet of depth in the rock and twelve in breadth, and to Mr. Flint's two feet of depth, is as follows:

On the Kentucky Side.

564 perches in length.

Width at bottom 40 feet.

Depth of water at the lowest stage 6 feet.

Average depth of clay to be removed 14 feet.

Average depth of rock to be removed $8\frac{1}{2}$ feet.

Excavation of clay 214,840 cubic yards at

30 cents per yard, \$64,452

Excavation of rock 96,616 2-3 cubic yards	
at \$1.50 per yard,	144,925
Locks, iron, tools, plank, wages, wing walls,	
&c.,	90,000
Opening the bed of the river,	10,000
Contingencies,	21,217
	<hr/>
	\$330,594

On the Indiana Side.

S68 perches 10 lks. in length.	
Width at bottom 40 feet.	
Depth of water 6 feet.	
Average depth of clay to be removed 35 feet.	
Average depth of rock to be removed 13 feet.	
Excavation of clay, 1,438,856 cubic yards,	
at 30 cents per yard,	\$430,156 50
Excavation of rock 362,453½ cubic yards at	
\$1.50,	543,680
Locks, &c.,	90,000
Additional iron, tools, &c.,	9,000
Additional wages,	23,000
Contingencies,	21,287
	<hr/>
	\$1,117,123 50
	330,594

Difference in estimate,\$786,529 50

It will be seen by this estimate that a canal on the Indiana side will cost more than twice the sum that will be required to complete the work on the Kentucky side. And as the primary object with all corporate bodies in undertaking a public work of this kind is to collect from the tolls a sum equal to from six to ten per cent. on the capital expended, and as the passage of boats or use of the canal will be the same on either side, the tolls on the Kentucky side may be less than one-half of what they will necessarily be on the other.

By a reference to the accompanying drawings, it will appear that the lower junction of the canal with the river on the Indiana side, is from one half to three-quarters of a mile higher up the river than that on the Kentucky shore. Between these two points there is at certain stages of water, when the canal will be most used, a somewhat difficult and dangerous passage, which may be avoided by the canal, on the Kentucky side. But as the junction of the canal, with the river as contemplated by Mr. Baldwin, is above the lower point of these dangers, the commissioners are of opinion, that it will be found expedient to change the route and enter the river lower down; this will add to the length of the canal and consequently to the aggregate expense for excavations on the lower part. Additional expense, also, will be incurred in clearing the bed of the river, from the basin, to the mouth of the canal. For the expense of these two items, say \$50,000; this will make the whole expense of the canal, on the Kentucky side \$380,594.

On a full examination of the sites, on each side of the river, the commissioners are clearly of opinion, that the work is practicable on either side; and that either canal can be made perfectly secure from freshets at any stage of water. But from the estimates of expense, and the junctions of the different canals, with the river, the commissioners are unanimous in giving a decided preference to the Kentucky side.

[Signed] S. Blackburn.

John Adair.

Edw. Tupper.

Walter Lowrie.

Gallipolis, Ohio, Nov. 2d, 1819.

To the Assembly Transmitting a Report from Certain
Road Commissioners.

THE SECRETARY WILL LAY BEFORE YOU copies of a report from the commissioners appointed on the 10th of November last, to view a section of five miles of the Susquehanna and Waterford turnpike road. The qualified terms of the report create a doubt that the road is not completed agreeably to the intention of the act of assembly in the case, and of course not in such a manner as to authorise the grant of a license to the company to collect tolls from persons travelling on the same. I therefore submit the subject to the consideration and decision of the legislature.

WM. FINDLAY.

Harrisburg, December 10, 1819.

We the undersigned, commissioners appointed by your excellency's letters patent, dated the tenth of the present month, to inspect a section of five miles of the rived Susquehanna and Waterford Turnpike road, commencing at the river Susquehanna and running north-westwardly. Do respectfully report:

That in pursuance of your excellency's instructions we proceeded on the 19th instant to the river Susquehanna at the commencement of said section of five miles, and have viewed, measured, and examined the whole thereof. We find the said road of the width prescribed by law, formed of gravel, clay and small stones, according to the nature of the ground over which it passes. The three first miles are carried over a very mountainous country, through which the road is constructed on the sides of the hills, the lower side being supported by stone walls. We examined with a level the elevations in the steepest parts of ascent, and found them within the limits prescribed by law; there are ditches where necessary on the upper side with

sewers at proper distances to carry off the water. The remaining two miles are over a more level country, where the turnpike is formed by heaping up clay to the middle of the road, which is gradually sloped off to ditches on each side; wherever the road has been made long enough to have been considerably travelled, it is hard, solid and compact; in places more newly made, it is still soft. The bridge over Anderson's creek is firm, substantial and admirably built.

We do therefore adjudge the whole of said section of five miles to have been made and perfected in a complete and workmanlike manner, according to the true intent and meaning of the act of the general assembly relating thereto.

Given under our hands and seals at Philipsburgh
this twentieth day of November, A. D. 1819.

[Signed] Hardman Philips. [L. S.]

Wm. Rankin. [L. S.]

Philip Benner. [L. S.]

Doubts having arisen whether the undersigned would be justified in admitting on the part of the Commonwealth, a road as completed, part of which has been formed of clay, the word "clay" not being expressly enumerated amongst the materials named in the act, they think it necessary to explain on what principles they approve of one formed in that manner. To construct a stone turnpike over the ground they have viewed, would require more than double the aggregate amount of both the state appropriations and individual subscription, a fact of which the legislature must have been sensible. The undersigned therefore cannot believe that that body had the intention of requiring such from the president and managers of the Susquehanna and Waterford Turnpike Road company, as a law to that effect would be requiring impossibilities, and would only tend to hold out to the public fal-

lacious prospects of internal improvement. In this construction they are confirmed by a deliberate consideration of the 11th section of the act itself, in which "wood, gravel, pounded stone, or other small hard substances," are admitted as proper materials.

Now experience has proved that clay, though soft at first, when consolidated, presents a more firm and compact surface, and is more durable than wood, and therefore is preferable for the construction of roads. They therefore infer that in using it in preference to materials of less durability, the president and managers of said company have complied with the true intent and meaning of the act, neither are the undersigned acquainted with any "small hard substances" that had not already been enumerated calculated for the formation of a road, to which the legislature could have reference, other than affording the company latitude to compose of any materials, provided they formed a good road.

These considerations, and the precedent of the Waterford and Erie turnpike which has been admitted by the commonwealth, have determined the undersigned in their decision.

[Signed] Hardman Philips.
Wm. Rankin.
Philip Benner.

To his excellency William Findlay, Governor of the state of Pennsylvania.

To the Assembly Transmitting Certain Documents.

I TRANSMIT TO YOU, COPIES OF CERTAIN proposed modifications of the Militia law, which have been recommended by officers of the first division, Pennsylvania militia, in pursuance of the 37th

section of the act, entitled "An act for the regulation of the militia of this commonwealth."

Also, copies of a report from the president and managers of the Northumberland Bridge company; and

The original drafts and explanatory notes made by the commissioners appointed by the states of Ohio, Kentucky, Virginia and Pennsylvania, to examine obstructions in the Ohio river, which I request may be returned to the secretary's office at the close of the session.

WM. FINDLAY.

Harrisburg, January 4, 1820.

Philadelphia, December, 1819.

Sir:

The accompanying report of amendments and alterations, recommended in the laws for the government of the militia of Pennsylvania, has been adopted at a general meeting of the officers of the first division.

We transmit the report to your excellency, by order of the board, and request that it may be submitted to the consideration of the legislature.

We have the honor to be

With great consideration,

Sir, your obedient servants,

Thos. Cadwalader,

B. gen. 1st brigade, 1st div.

Samuel Castor,

Colonel 3rd.

Charles Sidney Cox,

Colonel 19th.

Robert Patterson,

Col. 72d reg. P. M.

A. S. Coxe,

Colonel 79th.

Charles Leshner,

Colonel 84th regt. P. M.

John Thompson,
Colonel 93d regt.
Clement C. Biddle,
Col. 1st vol. infantry, 102 M.
A. M. Provost,
Lieutenant col. vol. artillery.

His excellency, William Findlay, Commander in chief,
&c., &c.

At a meeting of the officers of the first division of Pennsylvania, held at the county court house of Philadelphia, on the 24th November, 1819.

Major general Isaac Worrell, was called to the chair,
And

Colonel Charles Sidney Coxe, was appointed secretary.

The object of the meeting having been stated from the chair, it was, on motion of brigadier general Cadwalader,

Resolved, That a committee of nine officers be appointed to prepare a representation of such defects as they may ascertain to exist in the laws for the regulation of the militia, and to recommend such alterations and amendments as they may conceive to be calculated to remedy the defects they may point out; and also to suggest such additions to the existing laws as may, in their opinion, tend to render the militia of this commonwealth more effective; and that they report to a meeting of this board, on Monday the 6th of December next, at 6 o'clock P. M.

On motion,

Resolved, That the following officers compose the committee, viz:

Brigadier General Thomas Cadwalader,
Colonel Samuel Castor,
Colonel Charles Sidney Coxe,
Colonel Robert Paterson,

Colonel Alexander S. Coxe,
Colonel Charles Leshner,
Colonel John Thompson,
Colonel Clement C. Biddle, and
Lieutenant Colonel Andrew M. Provost.

Resolved, That the proceedings be published.

On motion,

Adjourned to meet on Monday the 6th December,
at 6 o'clock P. M. at the same place.

And now, December the 6th, 1819, at a meeting of
the said officers of the first division P. M. pursuant to
adjournment.

Major General Isaac Worrell, in the chair, and
Colonel Charles S. Coxe, secretary.

The committee appointed at the meeting of the 24th
of November last, being called upon to report, briga-
dier general Cadwalader, the chairman, read the re-
port of the said committee; which, after undergoing
some alterations, and receiving some additions, was
adopted in the following form, viz:

Report

Of the committee appointed by the general meeting
of officers of the first division of Pennsylvania mil-
itia, to prepare a representation of such defects, as
they may ascertain to exist in the laws for the regu-
lation of the militia, and to recommend such altera-
tions and amendments as they may conceive to be
calculated to remedy the defects; and also to sug-
gest such additions to the existing laws, as may, in
their opinion, tend to render the militia of this com-
monwealth more effective.

The committee beg leave to represent the following
defects in the militia law of 28th March, 1814.

That section 7th and 8th establish the organization
of companies and regiments, on a different footing

from the regulation of the army of the United States; whereby confusion and difficulties would necessarily arise, if any portion of the militia should suddenly be called into service with regulars. The committee, therefore, recommend the repeal of the said sections, and that the following sections be substituted.

7th. That each regiment, cavalry, artillery, infantry and riflemen, shall consist of one colonel, one lieutenant colonel, one major, one adjutant, one quarter master, one paymaster, one surgeon, two surgeon's mates, one sergeants major, one quarter master sergeant, and two principal musicians.

8th. Each regiment of cavalry shall consist of eight troops, composing four squadrons; and each troop shall consist of one captain, one first and one second lieutenant, one cornet, four sergeants, four corporals, two musicians, one saddler, one farrier, and sixty-four privates.

Each regiment of artillery, infantry and riflemen, shall consist of ten companies; each company of artillery to consist of one captain, one first lieutenant, two second lieutenants, one third lieutenant, five sergeants, one quartermaster sergeant, eight corporals, four musicians and one hundred privates. The commanding officer of the regiment, to designate one of the second lieutenants of each company as conductor of artillery for said company.

Each company of infantry and riflemen, shall consist of one captain, one first lieutenant, one second lieutenant, four sergeants, four corporals, two musicians, and sixty-eight privates. Surgeons and surgeons' mates to be nominated by the colonels and commissioned by the governor. Provided, That no officers now holding commissions, shall be deprived thereof by the operation of this amendment, but commissions not provided for by this amendment, shall not be renewed.

9th Section. The committee further report, that there is no provision for the staff of general officers: the following additions are therefore recommended to the first article of the ninth section. The major generals shall be entitled each to two aids de camp, with the rank of major; and the brigadier generals each, to one brigade major with the rank of major, and to one aid de camp, with the rank of captain, to be nominated by the generals respectively, and commissioned by the governor. Provided, That the major generals and brigadiers may appoint one or more volunteer aids, who shall be respected accordingly, though not entitled to pay in service, except according to such commission as they may hold in the line.

The committee considers it unjust, and contrary to military rule, that an officer appointed or elected to supply a vacancy, shall be entitled to the same date of commission and rank, as the officer whose place he supplies; and therefore recommends that the second and third articles of the eleventh section, be expunged, and that the following be introduced:

“All officers hereafter commissioned, shall take rank from the date of their commissions, which shall correspond with the date of their election return or nomination; and where commissions bear the same date, rank shall be decided by lot. Provided, That rank shall be calculated from the date of expired commissions of the same grade, if the officer have continued in service. And provided, That the rank of officers now commissioned, shall not be disturbed.

The committee recommends the following additional article establishing the rank of regiments and corps in line, in conformity with the regulation of the U. S. army.

Regiments and corps in line, shall rank as follows:

1st. Cavalry,	}	The relative rank of each to be according to the numbers of the regiments respectively.
2d. Artillery,		
3d. Infantry,		
4th. Riflemen,		

Volunteer companies in regiment, shall take rank according to the date of their respective organization. Questions of rank, however, shall always be settled before the corps assemble on parade, otherwise the first on the ground shall take rank for the day.

This regulation is confined to parades. On all other occasions, or for exercise, corps will be drawn up as directed by the general or commanding officer.

The committee are of opinion that the drills of officers ought to be revived, as highly useful in establishing uniformity in system and words of command. Those objects will be more effectually established, and without inconvenience, in the first brigade, by assembling all the officers of the brigade, and making it the duty of the brigadier general to superintend their discipline. Their numbers also, will thus enable the instructing officer, to exemplify the movements of the battalion and brigade. The following clause is therefore recommended in lieu of the sixteenth article, which has been repealed by the eleventh section of the supplement of 24th March, 1818.

That all the commissioned officers of each regiment, shall be annually disciplined, and instructed by the colonel or next officer in command, in the drills of the soldier, the company and the battalion, and in the various duties of the field, the march, the camp and garrison, during three successive days, to commence on the third Monday in April, the hour and place to be designated by the colonel, or commanding officer, in orders; and the instructions to be continued at least four hours in each day. The officers of the first bri-

gade of the first division, may be convened by the brigadier general, on all or any of the said days, whenever he shall think fit. Such non-commissioned officers as may attend, shall be incorporated for instruction. The officers and non-commissioned officers shall be in full uniform, and each officer shall receive one dollar and fifty cents for each day's service, to be paid by the brigade inspector, on the certificate of the colonel of the regiment to which he may belong.

The adjutant of each regiment, shall note each commissioned officer absent from each parade, and shall make a detailed report of the absentees to the court of appeal, which may be held next after the said parades.

The committee is of opinion that the days of training are too few. It is also considered essential that the general officers should review their regiments at least once in every year; and that the brigadier general of the first brigade should be enabled occasionally to assemble the whole or any number of the regiments in brigade, for the purposes of review or exercise.

It is also their opinion, that power should be given to the colonel to order regimental, battalion, or company training, at his discretion, provided there be not less than two regimental trainings in each year; and that the companies of the several regiments should not all be mustered for drill on the same day, inasmuch as there is sometimes thereby a deficiency of arms and music.

They therefore recommend that the first article of the seventeenth section be expunged, and the following seventeenth section substituted.

The militia shall be trained three days in the month of May, and two days in the month of October, to commence on the first Mondays in those months, and to be continued from day to day, in such order as the

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brigadier general, through the brigade inspector, shall direct, not more than two regiments in the brigade training on the same day. The place of assembling the regiment or battalion, shall be designated within the bounds of the regiment or battalion, by the colonel or commanding officer, who is empowered to direct whether the training of the several days is to be by companies, battalions, or regiments respectively; the regimental trainings, however, to be at least twice in each year. The captain or commanding officer of the company or troop, shall give by advertisement, at least ten days previous notice of the time and place of meeting. The brigadier general shall make it his duty to inspect and review each regiment of his brigade once in every year; and the colonel or commanding officer, is required to notify the brigadier accordingly, of the place and time of assembling his regiment for review and inspection. Provided, That the brigadier general of the first brigade of the first division, may direct the whole or any number of the regiments of his brigade, to be assembled together for review or exercise, in lieu of one of the five days of training hereby established. And it shall be the duty of the brigade inspector to call upon the brigadier for orders respecting the spring and fall trainings, on or before the first day of March of each year, and to issue the same accordingly. The brigade inspector shall issue no orders, but in the name, and under the authority of the brigadier general, or officer commanding the brigade.

The general officers having no authority under the act, to require from the brigade inspector reports of the state of the brigades, the following addition is recommended to the second article of the twentieth section:

“And shall furnish to the major general and brigadier general, copies of such statements and reports.

and all other information respecting the brigade, when required."

The committee also recommend the insertion of the following clause, after the fifth article of the said section:

"The expenses of publishing all division and brigade orders, shall be paid by the brigade inspector, and allowed in the settlement of his account."

The committee consider the seventh article of the twenty-first section as defective, and recommend the following in lieu thereof:

"No officer shall leave the parade, without permission of the commanding officer; and any non-commissioned officer or private, who shall leave the parade without such permission, shall be fined as if absent altogether, or in such other amount, not exceeding three times the amount of the fine, as the court of appeal shall adjudge."

The committee beg leave to represent the following defects in the twenty-second section of said law, being rules for the government of the militia.

First article of twenty-second section. That the first article of the twenty-second section subjects to the cognizance of a court martial, only such officers as shall misbehave, &c., when the regiment, &c., "shall be paraded under arms." They recommend, therefore, that the words, "when the regiment, battalion, troop, or company to which he may be long, or in which he holds a commission, shall be paraded under arms," be expunged, as also the words, "on any such occasion," and also that the words "or regimental," in the seventh line of said article, be expunged, inasmuch as no officer ought to be tried but by a general court martial; and also that the word "general," be inserted after the words "if any," so as to make general officers amenable.

They also recommend that power be given to general courts martial, to render cashiered officers incapable of holding a commission for such time as they may think proper, by the insertion of the following words after the eighth line, viz: "And if cashiered, he may at the discretion of the court, be declared and rendered incapable of holding a commission for such term as the court may think proper."

Fourth article of twenty-second section.

They recommend that the fourth article be expunged, and the following article be substituted, in conformity with the regulations of the army of the United States.

"General courts martial may consist of any number of commissioned officers, from five to thirteen, inclusively; but they shall not consist of less than thirteen, when that number can be convened without manifest injury to the service; the senior officer of the court, shall act as president, and the court shall appoint a judge advocate."

Fifth article of twenty-second section. That this article be altered in conformity with the regulations of the army, so that regimental courts martial shall be composed of three commissioned officers, instead of seven, the senior officer presiding.

Article tenth and eleventh. That these articles be expunged, and the following article substituted:

Article 10. All charges or accusations against officers under the rank of a general officer shall be made to the officer commanding the brigade, who shall direct the brigade inspector to summon a general court martial, that justice may be done.

But if in his opinion, a court of enquiry ought previously to report upon the case, he shall order the brigade inspector to detail such a court; whose report authenticated by the signature of the president and recorder, is to be made to the officer ordering the court. Whereupon he shall decide, whether further proceed-

ings ought, or ought not to be had. A court of enquiry shall also be ordered when requested by an officer whose character may suffer under suspicion or imputation, or by the major general or brigadier general, in any case where he may require the opinion of such a court. All charges or accusations against a general officer, shall be made to the commander in chief of the militia, who shall order the adjutant general to detail a court martial, or if he deems it proper a court of enquiry, that justice may be done.

The committee are of opinion, that courts of enquiry ought to be authorised, and their usefulness inculcated; considering such courts of infinite service in repressing false and frivolous charges, composing differences, explaining misunderstandings, and in checking the frequency of trials by court martial; which beside the heavy expenses they occasion, bring disrepute upon the military character. The insertion of the following article is therefore recommended:

"Article 11. Courts of enquiry to examine into the nature of any transaction, or of any accusation or imputation against any officer, non-commissioned officer or private, shall consist of three commissioned officers of rank as nearly as may be equal to that of the accused, and a recorder to reduce the proceedings and evidence in writing. All of whom shall be sworn to the faithful performance of their duty. This court shall have the same power to summon witnesses as a court martial, and to examine them on oath, but shall not give their opinion on the merits of the case, unless thereto specially required by the officer ordering the same. The parties accused shall also be permitted to cross-examine and interrogate the witnesses, and to investigate fully the matters in question. But the proceeding of a court of enquiry shall not be received in evidence before a court martial.

The recorder shall administer to the members the

following oath: "You shall well and truly examine and enquire according to your evidence, into the matters now before you, without partiality, favor, affection, prejudice, or hope of reward: so help you God."

After which the president shall administer to the recorder the following oath: "You A. B. do swear, that you will according to your best abilities, accurately and impartially record the proceedings of this court, and the evidence to be given in the case in hearing: so help you God."

The witnesses shall take the same oath as witnesses before a court martial, and the recorder shall administer the same. All officers serving on courts of enquiry, shall be in uniform. Each officer sitting on a court of enquiry, and the recorder, shall receive from the proper brigade inspector, two dollars for each day's attendance.

The committee is of opinion that the mode of discipline adopted for the army by regulation of the war department, ought to be observed by the militia of this commonwealth, and they recommend an additional section to the militia law, to that effect.

The encouragement to the training of artillery corps, is considered by the committee as an object of deep importance, and well deserving the attention of the legislature. The active and patriotic spirit of the young men composing this arm, has been damped by the extraordinary expense attending its exercise; inso-much as to occasion the dissolution of nearly all the corps which existed during the late war, and the discipline of which reflected honor on our military establishment. It is expected that several of these corps may be revived, and others organized, if the favor of the legislature should be extended to them in a small degree.

The committee, therefore, recommend an additional section to the militia law, to the following effect:

"That each company of artillery shall be entitled to an allowance for powder and the hire of horses, and alterations and repairs of artillery carriages and implements, and shall be repaid for the expenses thereof by the brigade inspector, on drafts signed by the commander of the regiment or battalion, or by the commander of the company, if independent. Provided, That in any one year the number of rounds so to be paid for, shall not exceed forty-eight for each field piece or howitzer, and that not more than twelve dollars be allowed in any one year for the hire of horses for each piece or howitzer.

That in the twelfth article, after the word "cashiering," the words "with or without disqualification, dismissal," be inserted.

They further recommend that the following section be added to the act of 1816:

"That the captain shall receive as a full compensation for furnishing the lists or rolls, two dollars for every day necessarily engaged in that duty, to be paid by an order of the colonel or commanding officer, on the paymaster. And that in case of vacancies, the colonel or commanding officer may appoint any fit person to enrol companies, who shall receive a like compensation."

The committee is of opinion, that the second section of the act of 1816, and the first section of the supplementary act of 24th March, 1818, regulating enrolments, ought to be repealed, as tending to create great difficulties and confusion in the execution of duties which ought to be rendered clear and simple: they therefore recommend the repeal of these sections.

4th Section. They recommend that the fourth section of said supplement be so amended as to enable "the colonel or commanding officer of the regiment," to call together the board of field officers at an earlier time than the second Monday in December, for the

purpose of acting upon the payments of constables or collectors of fines, should it be judged expedient to do so. And said board, or a majority thereof, shall have the same powers as when assembled on the second Monday in December; and may extend the time of executing the warrants of the captains or commanding officers of companies, and paying over the amount in the schedule to the paymaster, by a simple endorsement on the warrant. In case there should exist any fines, which in the opinion of the said board it would be practicable to collect, but which through accident, neglect, or otherwise, remain uncollected, it shall be the duty of the colonel or commanding officer of the regiment, to issue one or more warrants for the whole or any part or parts of the said fines, as similar in form to the warrant directed to be issued by the captain, as may be, and directed in the same manner, giving like powers to the constable and collector, with a schedule of such persons, certified by the said board, or a majority thereof, to appear by the returns not to have paid their fines. In case the captain directs his warrant to any person not a constable, such person must be approved by a majority of the field officers; and any constable who shall refuse, neglect, or omit to execute any warrant of the proper officer, shall be liable to an indictment for a misdemeanor in office, and on conviction, in addition to the existing penalties, shall be removed from office by the mayor's court, if in the city of Philadelphia, or general quarter sessions of the peace, if in any of the counties. All fines to be paid to the paymaster of the regiment, for the benefit of the regimental fund, under the regulations established in the sixth section.

The colonels or commanding officers of regiments, may at any time stay the proceedings on any warrant, by giving the constable or collector of fines, in whose hands the same may be, a notice to show cause before

the board of field officers, why the said warrant should not be set aside; the said board to have power to set the warrant aside, and to direct the proper officer to issue another warrant to another constable or collector.

8th Section, supplement 1818. The committee recommend the repeal of the eighth and eleventh sections of the supplement respecting the drills and training; being provided for by the foregoing amendments. Also, that the brigade inspector, or officer who may be charged with the care of the arms belonging to the state, shall deliver to captains of volunteer companies, on their giving bonds with sufficient security for the safe keeping and return thereof, any number of muskets not exceeding the number of members on the roll of the company.

That so much of the act of 1814, as was altered and supplied by the sections of the acts of 1816, and 1818, hereby proposed to be repealed, be revived; and so much of the acts of 1814-16, and 18, as is hereby altered and supplied, be repealed; and so much of the acts of 1816 and 18, as is inconsistent with the revived provisions of the act of 1814, be repealed.

On motion,

Resolved, That the committee appointed on the 24th of November last, be authorised to correspond and confer with the commander in chief and military committee of the legislature, and generally to do all such things as they may deem expedient to effect the object of this meeting.

On motion, adjourned.

[Signed] Isaac Worrell, Chairman.

Attest—Charles Sidney Coxe, Secretary.

To the Assembly Transmitting the Report of the Commissioners on the Erection of a Penitentiary near Pittsburg.

I TRANSMIT TO YOU COPIES OF A REPORT OF the commissioners for the erection of a state penitentiary on the public land near the town of Allegheny opposite Pittsburg.

WM. FINDLAY.

Harrisburg, January 8, 1820.

To his excellency William Findlay, Esq., Governor of the Commonwealth of Pennsylvania:

The undersigned commissioners for the erection of a state penitentiary on the public land near the town of Allegheny, opposite Pittsburg: Respectfully report—

That they have diligently continued in the discharge of the duties of their appointment, and during the present season have made considerable progress in the said building; in the erection of which they have expended the sum of thirty-five thousand four hundred and twenty-five dollars, thirty-two and three-fourths cents, including the sum of seven thousand four hundred and thirty-nine dollars and seventy-eight cents, mentioned in their former report. These expenditures have been made for the following purposes:—

For levelling the site of the building, digging the foundations, covering the walls, and for labor generally,	\$4,267 99
Digging and walling three wells, and placing pumps in each,	865 97
Sand,	1,259 90
Boards, scantling, scaffold poles, &c.,	3,745 83
Office rent, fuel and compensation to superintendents and clerk,	3,030

Building the walls, including tsone, bricks and lime,	20,209 77½
Carpenters' work and painting,	451 40
For grates and iron work generally,	1,449 67½
Stationery and printing,	114 68¾
Cordage,	30 10

Total of expenditures,\$35,425 32¾

Mr. Stephen Hills having removed to Harrisburg, the commissioners on the 14th of July last appointed Mr. David Evans superintendant.

The commissioners respectfully state that they have vigilantly attended to the progress of the said building, and believe it to have been hitherto executed by the various persons employed therein, with skill, fidelity, and in a superior style of workmanship.

The commissioners being confined to a plan designated in the law authorising this undertaking, have no control over the amount of the expense necessary to be incurred in its prosecution; and it has now become evident that in the course of the ensuing season, an additional sum of at least thirty thousand dollars, beyond that originally appropriated, will be wanted to carry on the work on the scale, and with the workmen who have been employed during the present year.

The commissioners state further, that in the vicinity of the contemplated penitentiary are two copious springs, the water from which might with great advantage be introduced within the walls of the building, and if employed in preserving a constant current through the culvert, and a fountain in the yard, would conduce much to the comfort and health of the prisoners. These springs will not be wanted until the completion of the building, but the commissioners deem it their duty to present the subject to the executive for the consideration of the legislature.

Having adverted to an additional sum being neces-

sary for the completion of the penitentiary, the commissioners esteem it their duty to state, that a very considerable sum was expended on the foundation of the building, owing to a bed of sand which was encountered in the progress of the work, to overcome which, it became necessary to dig deep to secure a foundation sufficiently firm to support the superstructure.

James Ross.
Walter Lowrie.
George Stevenson.
John Scull.
Wm. Wilkins.

Pittsburg, November 25, 1819.

To the Assembly Approving Certain Acts, and Transmitting Certain Documents.

I HAVE THIS DAY APPROVED AND SIGNED the following acts and resolution of the General Assembly, and directed the Secretary to return the same to the House of Representatives, in which they originated, viz:

* * * * *

Resolution relative to a further distribution of the laws of the commonwealth.

I herewith transmit copies of a letter from the honorable John Quincy Adams, secretary of State of the United States, requesting to be supplied with a copy of the statutes which may from session to session be enacted by the legislature of Pennsylvania, and published by their authority.

WM. FINDLAY.

Harrisburg, January 18, 1820.

Department of State,
Washington, December 28, 1819.

His excellency the Governor of Pennsylvania:

Sir—It is made by law, the duty of the secretary of state of the United States, to procure from time to time the statutes of the several states of the union. This duty has heretofore been discharged by my predecessors in this office, but many of the volumes procured by them have been accidentally lost; and I am endeavoring to supply the imperfection of the collection, as far as circumstances will permit. The representatives in congress from each state, have often occasion to consult the laws of their respective states; and that they may have the means of reference to them, it is necessary, not only that the collection of statutes heretofore enacted should be complete, but that those from time to time enacted by the state legislatures should be received. I take the liberty of addressing your excellency, to request the favor of being supplied with a copy of the statutes which may from session to session be enacted by the legislature of Pennsylvania, and published by their authority. Four copies of the laws of Massachusetts, are from session to session transmitted by a standing order of the legislature to the seat of the general government, one for the use of each of the two houses of congress, one for the president of the United States, and one for the library of congress. I venture to suggest that a similar order from all other states would be found conducive to the benefit of the whole nation, and peculiarly useful for occasional reference, by the representation of the several states in the councils of the union.

I have the honor to be,

Very respectfully, sir

Your most humble and obedient servant.

John Quincy Adams.

Correspondence Concerning the Medals Presented by the Legislature of Pennsylvania to Captain Oliver H. Perry and Other Officers in the Naval Battle on Lake Erie in the Year 1813.

Gentlemen:

IN PURSUANCE OF RESOLUTIONS OF THE legislature passed on the 31st day of January, 1814, gold medals have been procured and delivered to the representatives of Captain Perry, also to Captain Elliott, and to the representatives of Lieutenant Yarnall. The secretary will lay before you copies of the communications made to them, expressive of the thanks of the government of this commonwealth for the distinguished skill and bravery of those gallant officers, in the brilliant victory obtained over the British squadron on Lake Erie, on the 10th Sept., 1813.

Silver medals have also been procured for, and in part delivered to those citizens of Pennsylvania who volunteered on board of the American squadron on Lake Erie, under command of the illustrious Perry; and the secretary will lay before you copies of the communications which I have made to them, expressive of the thanks of the government for their patriotism and bravery in that memorable action.

WM. FINDLAY.

Harrisburg, February 1, 1820.

By virtue of a power of attorney, bearing date the twenty-sixth day of March, one thousand eight hundred and nineteen, duly executed by Aquilla M. Bolton, of the city of Pittsburg, surviving executor of the last will and testament of John Toliffe Yarnall, deceased, late lieutenant in the United States navy; I acknowledge to have received from William Findlay, Esq., Governor of the Commonwealth of Pennsylvania, on the 16th day of April in the same year, the gold

medal that has been procured agreeably to a resolution of the General Assembly of the said commonwealth, passed the 31st day of January, 1814, in order to be presented to the legal representatives of the said lieutenant John Toliffe Yarnall, in consideration of his gallant and brave conduct, and the able assistance he gave to the commander in chief Captain Oliver Hazard Parry, in the naval engagement with the enemy in the year 1813, on Lake Erie.

Isaac Harris,

Attorney in fact for A. M. Bolton, surviving executor.

Witnesses present,

John Frazer.

Philip Frazer.

Commonwealth of Pennsylvania,

Harrisburg, July 9, 1819.

Sir—I have the honor to enclose you a copy of certain resolutions passed by the legislature of Pennsylvania, and in compliance with their directions, to convey to you the thanks of the government of this commonwealth, for your gallant and brave conduct, and the able assistance rendered by you to your commander in the illustrious engagement on Lake Erie, on the 10th of September, 1813.

I have also the pleasure of presenting to you by the hands of Col. Thomas Sergeant, one of my aids-de-camp, a gold medal, awarded to you by the state as a testimonial of your merit.

In fulfilling a public duty, in a high degree gratifying to my feelings, I embrace the occasion to express my individual sense of the bravery and good conduct manifested in a conflict in which you had so conspicuous a share. The glory it reflected on our country will ever be held by American citizens in grateful and

honorable remembrance. Accept my best wishes for your health and happiness.

I have the honor to be,

With high respect and consideration,

Your humble servant,

WM. FINDLAY.

Captain Jesse Duncan Elliott.

Philadelphia, August 15, 1819.

Sir—I have the honor to acknowledge the receipt of your letter of the 9th ult. accompanying the resolutions of the legislature of the commonwealth of Pennsylvania, upon the subject of the action on Lake Erie. I have also received through the hands of your aide-de camp Col. Thomas Sergeant, the gold medal, which that patriot and distinguished body has thought proper to grant me, as an expression of its approbation of my conduct in that affair. This mark of respect from the highest authority of so important a state, in which I have passed the most important portion of my life, is indeed most grateful to my feelings; and through you I beg leave to return my warmest acknowledgments for the honor they have conferred upon me. At the same time I must request of your excellency, to accept my most grateful thanks for the very kind and flattering manner in which you have made the communication, and for the generous expression of your own opinion upon the subject.

I have the honor to be,

With great respect,

Your obedient servant,

Jesse Duncan Elliott.

To His Excellency Wm. Findlay, Governor of Pennsylvania.

Harrisburg, October 7, 1819.

Dear Madam:

I herewith transmit to you through the hands of Ephraim Pentland, Esq., a copy of resolutions of the General Assembly of Pennsylvania, expressive of their high sense of the brave and gallant conduct of your son, the late lieutenant John T. Yarnall, in the brilliant victory of the 10th of September, 1813, over the British squadron on Lake Erie.

It is to be deeply lamented that he did not survive to receive the testimonials of respect and gratitude contemplated by the resolution.

The medal directed to be presented to him has been delivered to his legal representatives.

While I sincerely sympathise with you under the dispensation which has deprived you of a son, whose conduct has given such earnest of distinguished usefulness to his family and his country, it is some consolation to know, that his memory will be preserved and cherished as well in the annals of our nation, as in the affectionate recollection of its patriotic citizens.

Accept my best wishes for your health and happiness.

I am, dear madam,

Respectfully,

Your obedient servant,

WM. FINDLAY.

Mrs. Yarnall.

Pittsburg, 5th of 11th mo., 1819.

Honoured friend:

I have the pleasure to acknowledge the receipt of thy letter of 7th ult. accompanying, by the hands of Ephraim Pentland, Esq., a copy of resolutions of the General Assembly of Pennsylvania, expressive of their sense of the brave and gallant conduct of my son, the late lieutenant John T. Yarnall, in the brilliant victory of the 10th of September, 1813, over the British squad-

ron on Lake Erie. Amidst the sorrow of heart to which I have been inevitably exposed by a dispensation depriving me of my son, the sympathy expressed in thy communication, and my confidence in believing that his memory will be preserved and cherished in the annals of our nation, and in the affectionate recollection of its patriotic citizens, afford a consolation which, be assured, I, though not altogether a Spartan, know how to appreciate.

The style of execution, both in the penmanship, and the frame in which it is set, is as striking to every other eye, as the memorial itself is affecting to a mothers. For the manner in which this framed copy of the resolutions, as well as the medal has been presented, accept the thanks of

Thy friend,

Phebe Yarnall.

His excellency Wm. Findlay, Esq., Governor of Pennsylvania.

Harrisburg, November 20, 1819.

Dear Madam:

I have the honor to transmit you by the hands of William N. Irvine, Esq., Adjutant General of Pennsylvania, a copy of the resolutions of the General Assembly of this Commonwealth, expressive of their high sense of the character and consequence of the victory achieved on the 10th of September, 1813, on Lake Erie, by the American fleet, under the command of your late illustrious consort Oliver Hazard Perry, over a British fleet of superior force.

General Irvine is also charged with presenting to the legal representatives of captain Perry, a gold medal of fine workmanship, emblematically finished, as a testimony of the gratitude and applause of the government of this commonwealth for his distinguished skill and bravery in that highly important and memorable conflict.

Circumstances, that I greatly regret, but over which I had no controul, prevented the delivery of these testimonials during the life time of Captain Perry, they are therefore now presented, as a tribute to his memory; to which I beg leave to add the assurance of my sincere accordance with the grateful sentiments of the legislature and people of this commonwealth.

In the deep affliction that is felt under the dispensation of divine providence, which has deprived you of an affectionate protector, society of an illustrious ornament, and our country of a skilful and brave defender, it is our duty to submit with humble resignation. Much consolation is derived from the conviction that his virtues and his patriotic services will be preserved in the recollection of future ages, as an example to posterity; and that his name will ever be identified with the naval renown of our country, which he contributed so eminently to establish.

I am, dear madam,

Very respectfully,

Your obedient servant,

WM. FINDLAY.

Mrs. O. H. Perry.

Harrisburg, December 10, 1819.

Sir—In conformity with your orders, I proceeded to Newport, Rhode Island, to deliver to the representative of the late commodore Perry, a gold medal, together with a copy of the resolution of the legislature of this commonwealth, directing its procurement and delivery, and a letter from your excellency to Mrs. Perry.

Immediately on my arrival I addressed a note to Mrs. Perry, requesting her to inform me, at what time I might have the honor of waiting on her to present those testimonials of the feelings of the government of Pennsylvania, elicited by the glorious and splendid

event to which they referred. On the following day Col. C. Champlin (the uncle of Mrs. P.), called and informed me Mrs. Perry would receive me at 4 o'clock, P. M., at which time, accompanied by Col. Champlin, I proceeded to her residence, and in the presence of her friends and family presented her with the medal and resolution; the letter of your excellency having been previously delivered.

Mrs. Perry desired me to tender to you, and through you to the legislature, her thanks for the distinguished marks of consideration and approbation which the government of Pennsylvania had manifested for the services of her much lamented husband.

Very respectfully, I am,

Your excellency's

Most obedient servant,

W. N. Irvine.

His Excellency Wm. Findlay, Governor of Pennsylvania.

Notice.

Whereas in pursuance of a resolution of the legislature of this commonwealth, passed the 31st January, 1814, directing the Governor to convey the thanks of the government to those citizens of Pennsylvania, who nobly and gallantly volunteered on board the American squadron on Lake Erie; and likewise to procure and present to each of them a silver medal, in compliment of their patriotism and bravery. The said medals have been accordingly completed, and deposited by directions of the Governor in the office of the Secretary of the Commonwealth, for delivery, together with a letter of thanks accompanying each medal, in conformity with the above mentioned resolution.

Those meritorious citizens (or in case of death their legal representatives), who are entitled to receive these testimonials of the gratitude and applause of their

country, are therefore hereby notified that they will be delivered at the said office, to them or their agents duly authorised by a letter of attorney. It will be necessary for each applicant to exhibit proof of his identity, by the affidavit of some person to whom the fact is known, whose credibility must be certified by the magistrate before whom the affidavit is sworn and subscribed.

The approaching session of the legislature will furnish an opportunity through the members thereof, for obtaining the medals; which it would be advisable for those who can to avail themselves of.

S. D. Ingham,

Secretary of the Commonwealth.

November 19, 1819.

Commonwealth of Pennsylvania.

Harrisburg, November 19, 1819.

Sir—In compliance with the directions of the legislature of this commonwealth, I have the pleasure of conveying to you the thanks of the government for the noble and gallant manner in which you volunteered on board the American squadron on Lake Erie, under the command of the illustrious Perry; and also of presenting to you a silver medal, of fine workmanship, in compliment of your patriotism and bravery in the celebrated victory over a superior British force, on the 10th September, 1813. And I take this occasion to add the testimony of my sincere accordance with the patriotic and grateful sentiments of the legislature towards you, as one of the citizens of Pennsylvania, who distinguished themselves in that memorable conflict.

I am, sir,

With great respect,

Yours,

WM. FINDLAY.

To _____

To the Assembly Approving Certain Acts, and Transmitting Certain Documents.

Gentlemen:

I HAVE THIS DAY APPROVED AND SIGNED the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the respective houses in which they originated, viz:

* * * * *

The Secretary will lay before you copies of resolutions of the legislatures of Ohio and Indiana, concurring in an amendment to the constitution of the United States, proposed by the legislature of this commonwealth; and of copies of resolutions of the legislature of Massachusetts disagreeing to said amendment; also copies of a letter from the chairman of the board of commissioners of the Ohio Canal Company, relative to procuring from this state a subscription for five hundred shares of the stock of the said company.

WM. FINDLAY.

Harrisburg, February 9, 1820.

Columbus, January 22, 1820.

Sir—I have the honor to transmit to you the accompanying report, and the resolutions of the General Assembly of the state of Ohio, relative to an amendment of the constitution of the United States, proposed by the state of Pennsylvania, confining the power of congress, in establishing any bank, or other monied institution to the district of Columbia, and to request that you will lay the same before the legislature of the state over which you preside, soliciting their co-operation.

With great respect, I am, sir,

Your obedient servant,

Ethan A. Brown.

His excellency the Governor of Pennsylvania.

Report.

Your committee to whom was referred a resolution of the General Assembly of the state of Pennsylvania, proposing an amendment to the constitution of the United States, declaring that "congress shall make no law to erect or incorporate any bank or other monied institution, except within the district of Columbia; and every bank or other monied institution which shall be established by the authority of congress, shall together with its branches and offices of discount and deposit, be confined to the district of Columbia;" have had the same under consideration, and are of opinion that there is nothing in the constitution of the United States, either expressed or implied, that vests in congress the right to pass such a law; and that an attempt to erect any such bank or other monied institution, under an act of congress within any state, without the consent of such state having been first obtained, is a dangerous violation of sovereign rights, reserved to the states themselves. Nevertheless, with a view to prevent the repetition of so dangerous a misconstruction of the constitution, your committee recommend a concurrence in the resolution of the General Assembly of the state of Pennsylvania, in the words following, viz:

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the following amendment be proposed to the constitution of the United States, viz. Congress shall make no law to erect any bank or other monied institution except within the District of Columbia; and every bank or other monied institution which shall be established by authority of congress, shall, together with its branches and offices of discount and deposit be confined to the District of Columbia.

Therefore,

Resolved by the General Assembly of the state of Ohio, That they concur in the aforesaid resolution of the General Assembly of the state of Pennsylvania, and that our senators and representatives in congress be requested to use their exertions to procure the adoption of an amendment to the constitution of the United Staes as therein expressed .

Resolved, That the Governor be requested to transmit copies of the foregoing report and resolutions to each of our senators and representatives in congress; and also to transmit like copies to the executives of the several states, with a request that they lay the same before the legislatures thereof, soliciting their co-operation in procuring the adoption of the foregoing amendment.

Joseph Richardson,
Speaker H. R.
Allen Trimble,
Speaker of the Senate.

January 21, 1820.

Executive Office.

Corydon, January 3, 1820.

Sir—In conformity to the request of the General Assembly of this state, I have the honor herewith to transmit you a copy of their resolutions, concurring in a proposed amendment to the constitution of the United States, relative to the incorporation of any bank or other monied institution on the part of congress, unless confined in their location to the district of Columbia; and to request that the solicitations of the General Assembly may meet your attention.

With considerations of respect,

I have the honor to be,

Your obedient servant,

Jonathan Jennings.

His Excellency William Findlay.

Joint Resolutions,

Proposing certain amendments to the constitution of
the United States.

Resolved by the General Assembly of the state of Indiana, That they do concur in the amendment to the constitution of the United States, proposed to the consideration of the several states, by the state of Pennsylvania, which is as follows, to wit.

“Congress shall make no law to erect or incorporate any bank or other monied institution except within the District of Columbia; and every bank or other monied institution which shall be established by the authority of congress, shall together with its branches and offices of discount and deposit, be confined to the District of Columbia.”

Resolved, That our senators and representatives in congress be requested to use their exertions to procure the adoption of the foregoing amendment.

Resolved, That the Governor of this state be requested to transmit copies of the foregoing proposed amendment and resolutions to each of our senators and our representative in congress, and also to the executives of the several states, with a request that they lay the same before the legislatures thereof, soliciting their co-operation in procuring the adoption of the foregoing amendment.

Williamson Dunn,
Speaker of the House of Representatives.

Ratliff Boon,
President of the Senate.

Commonwealth of Massachusetts.

Boston, February 2, 1820.

Sir—Agreeably to the request of the legislature of

this state, I now transmit the resolution annexed,
adopted January 31, 1820.

And am, with great respect,
Your obedient servant,

J. Brooks.

His excellency Governor of Pennsylvania, Harrisburg,
Pa.

Commonwealth of Massachusetts.

In Senate, January 29, 1820.

Resolved, That the amendment to the constitution of the United States, proposed by the legislature of the state of Pennsylvania, in the words following, viz. "Congress shall make no law to erect or incorporate any bank, or other monied institution, except within the district of Columbia; and every bank or other monied institution which shall be established by the authority of congress, shall, together with the branches and offices of discount and deposit, be confined to the District of Columbia," should it become a part of the constitution of the United States, would not be salutary in its operation, and that our senators and representatives in the congress of the United States, be requested to use their endeavors to prevent such an amendment.

Resolved, That his excellency the Governor be requested to forward a copy of the preceding resolution to the supreme executive of the state of Indiana, and to each of our senators and representatives in the congress of the United States.

Louisville, Kentucky, January 6, 1820.

Sir—By the fifth section of the act of the legislature of this state incorporating the Ohio Canal Company, it is made the duty of the commissioners at this place to take the necessary measures to induce the state of Pennsylvania to take the five hundred shares of the

capital stock of the company, reserved in the charter for your state.

It has no doubt occurred to you, sir, that the great interests of the western part of the state of Pennsylvania, require that the Ohio and Mississippi rivers should be the channel of her commerce, and that the improvement of the navigation of the Ohio is essential to the prosperity and wealth of this section of your state.

The advantages arising to it in bartering the products of her soil at New Orleans, for the foreign articles which are needed by the citizens of the upper country, are too obvious to require comment, and the necessity of a canal around the falls of the Ohio river at this place, is equally clear in connexion with the contemplated improvement of the navigation of the river.

A struggle has taken place between this state and the state of Indiana for the proposed canal, and we conceive that the report of the commissioners appointed by Pennsylvania, Virginia, Ohio and Kentucky, is decisive of the question; and if any further inducements were necessary to prevail on your state to take the shares reserved for her, the following are deemed of much weight:

1st. The citizens of this place and of our country, have subscribed upwards of one hundred and twenty thousand dollars of the capital stock.

2d. Gen. Lytle, the proprietor of the land, has made to the company a grant of as much thereof as shall be necessary for the canal, roads, water works and the necessary buildings, and participate in the profits in proportion to the stock subscribed by him, which grant is registered in the books of the company.

3d. Fifteen hundred shares of the stock is reserved for the United States, and General Lytle offers to cede as a free donation to the general government a scite for a foundary and military establishment, provided

the stock so reserved shall be taken on the terms proposed, and it is confidently hoped and believed that the offer will be accepted, and the establishment made by the United States.

It would seem that the weakness and wealth of the low country at our grand entrance to the gulf will invite invasion, and that it must be defended by the country west of the Allegheny mountains, and between the lakes and the Mississippi and Tennessee rivers. It will be admitted that the means of defence ought to be in the hands of the defenders, and hence the importance of a foundry and great national military establishment at this point, will be discerned by the most ordinary mind.

It is believed that the state of Pennsylvania is vitally interested in improving the navigation of the Ohio river, and really wants a canal around the falls at this place—that she has no partiality for the Indiana side—that the stock will be very valuable, and that the proposed improvements are of national advantage, but more especially important to the country above this point. Therefore it is expected that your excellency will not only subscribe the five hundred shares (of one hundred dollars each) reserved for your state, but use your influence to induce the governors of Virginia and Ohio to take the share reserved for their respective states, and the shares to be subscribed which are reserved for the United States.

You will please notify the commissioners at this place of your determination on this great subject.

By order of the board.

I am sir, your obedient servant,

Richard Steele, Chairman.

Proclamation of Reward for the Apprehension of the
Murderer of Andrew Hamilton, late of Lancaster
county.

Pennsylvania, ss:

[Signed] William Findlay.



IN THE NAME AND BY THE AU-
thority of the Commonwealth of
Pennsylvania. By WILLIAM
FINDLAY, Governor of the said Com-
monwealth.

A PROCLAMATION.

Whereas I have received authentic information that in the night of the sixth of January last, a gun containing large shot and slugs was discharged into the window of the late dwelling house of Andrew Hamilton, deceased, late of the township of Bart, in the county of Lancaster, whereupon the said Andrew Hamilton arose from his bed, and in going out of his house was severely wounded by a stroke received on the back part of his head, of which wound he shortly after died; and it also appears, that a certain Asa Weatherington, otherwise called Worthington, of Sadsbury township, in the said county, has confessed that he was the person who discharged the said gun into the house of the said Andrew Hamilton; and the said Asa Wetherington, otherwise called Worthington, having fled from justice, the efforts to arrest him have hitherto proved ineffectual: And Whereas the reputation of the Government, the peace and security of its citizens, and the obligations of justice and humanity require that the perpetrator of an offence so heinous should be brought to speedy and condign punishment: I have therefore thought it proper to issue this proclamation hereby offering a reward of two hundred dollars to any person or persons who shall

apprehend and secure within any jail of this Commonwealth the said Asa Wetherington, otherwise called Worthington, if brought to trial and conviction of the said offence: And all judges, justices, sheriffs, coroners, constables and other officers within this Commonwealth, according to the duties of their respective stations, are hereby required and enjoined to be attentive and diligent in enquiring after and bringing to justice the perpetrator of the crime aforesaid.

Given under my hand and the Great Seal of the State, at Harrisburg, this sixteenth day of February, in the year of our Lord one thousand eight hundred and twenty, and of the Commonwealth the forty-fourth.

By the Governor.

S. D. Ingham, Sec'y.

The within named Asa Wetherington, otherwise called Worthington, is a stone-mason by trade, about forty years of age, about five feet eight inches in height, and of fair complexion.

To the Assembly Transmitting Certain Documents.

Gentlemen:

THE SECRETARY OF THE COMMONWEALTH will lay before you copies of a report from the Adjutant General, of the strength of the militia, and a return of the arms and camp equipage belonging to the commonwealth.

WM. FINDLAY.

Harrisburg, March 18, 1820.

Sir—I have the honor of submitting a report of the strength of the militia, and a return of the arms and camp equipage, &c.. It has not been in my power to designate exactly the number in each regiment;

this is altogether owing to the defective returns of some of the brigade inspectors, three of whom have but very lately been elected. In 1818 I made out and forwarded to each inspector the form of a brigade report; instead of keeping as a precedent the form thus forwarded, in many instances they were returned filled up; this oversight has produced in 1819, almost as many different and distinct forms of reports as there are brigades in the commonwealth, some of which give only the brigade aggregate, others designating the total of regiments, do not separate the officers and non-commissioned officers from privates. It is much to be lamented that the present militia system does not give even to the most vigilant and zealous officers, all the power necessary to call forth and report the full strength of their brigades, either as soldiers in the field for training, or on an exempt list. I allude now more particularly to the report of Major Stanley, inspector of the 2d brigade, 3d division of the militia, not only because the report of this officer affords the most flagrant instance of the insufficiency of the system, by exhibiting to you and to the legislature, a regiment consisting of only forty officers, non-commissioned officers and private, districted in a thickly settled part of the country, but because from my knowledge of that gentlemen, I am fully convinced he has used every exertion that the law has afforded him, to compel the inhabitants within the bounds of his brigade to a performance of their duties, (herewith you have his report marked A.) I have used every means in my power to be able to make an estimate of the probable expense of repairing completely all the arms belonging to the state, capable of being made useful; having in view this object, I addressed circulars to each brigade in October last, directing the inspectors to collect at some point within their respective bounds all the arms belonging to the commonwealth, not in

the hands of volunteers, under the provision of the existing law. My object in this order was to save the expense of transporting to the different arsenals, such arms as were not fit for repair. Until the arms are collected and inspected, it would be altogether impossible to form any estimate of the probable cost of repairing them. Some have been scattered over the face of the state for more than twenty years, and are yet valuable, others although purchased within that time were unfit for actual service before they were delivered to the government, and ought never to have been received. During the late war upwards of three thousand stands of German arms were received from the United States as part of the quota due to Pennsylvania; these are much inferior to those manufactured in the United States, and will be exchanged (as has been heretofore represented to the legislature), as soon as the executive may be properly authorised to do so.

Respectfully, your obedient servant,

W. N. Irvine,

A. G. P. M.

March 15, 1820.

His excellency William Findley, Esq., Governor of the
Commonwealth of Penn'a.

Proclamation of Reward for the Apprehension of Certain incendiaries in the City of Philadelphia.

Pennsylvania, ss:

[Signed] William Findlay.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By WILLIAM FINDLAY, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas I have received authentic information that numerous houses in the city of Philadelphia have within the last three months been discovered to be on fire, and that much property has been recently destroyed by fire, which there is good reason to believe have been the work of wicked incendiaries who are still persevering in their endeavors to perpetrate their enormous purposes of conflagration and plunder, whereby not only the safety of our metropolis, but the valuable lives of many of its citizens are jeopardized: And Whereas, the reputation of the Government, the peace and security of its citizens, and the obligations of justice require that the perpetrators of offenses so atrocious in their nature should be brought to speedy and condign punishment; I have therefore thought proper to issue this Proclamation, hereby offering a reward of one thousand dollars to any person or persons who shall apprehend and secure within any jail of this Commonwealth the person or persons who have committed the said offenses if brought to trial and conviction: And all Judges, Justices, Sheriffs, Coroners, Constables and other officers within this Commonwealth, according to the duties of their offices, are hereby required and enjoined to be attentive and vigilant in enquiring after and bringing to justice the perpetrator or perpetrators of the crimes aforesaid.

Given under my hand and the Great Seal of the State at Harrisburg this seventh day of April, in the year of our Lord one thousand eight hundred and twenty, and of the Commonwealth the forty-fourth.

By the Governor.

S. D. Ingham, Sec'y.

Proclamation of Reward for the Apprehension of David Lewis, charged with the Robbery of John McClelland.

Pennsylvania, ss:

[Signed] William Findlay.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By WILLIAM FINDLAY, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, I have received information that on the morning of the twenty-fifth inst., a certain David Lewis, who had been charged with the robbery of John McClelland, merchant of the City of Pittsburg, and apprehended and confined in the jail of the county of Franklin, did make his escape from said jail, and has hitherto eluded the pursuit of the officers of justice of the said county. And whereas, the reputation of the Government, the peace and security of its citizens, and the obligations of justice and humanity require that the perpetrators of offenses so atrocious should be brought to speedy and condign punishment: I have therefore thought proper to issue this proclamation, hereby offering a reward of one hundred dollars to any person or persons who shall again have ap-

prehended and secured in any jail of this Commonwealth, the said David Lewis, to be paid on his conviction of the said robbery. And all Judges, Justices, Sheriffs, Coroners, Constables, and other officers within this Commonwealth, according to the duties of their respective offices, are hereby required and enjoined to be attentive in enquiring after and bringing to justice the perpetrator of the crime aforesaid.

Given under my hand and the Great Seal of the State at Harrisburg this thirty-first day of May, in the year of our Lord one thousand eight hundred and twenty, and of the Commonwealth the forty-fourth.

By the Governor.

James Trimble, Deputy Sec'y.

Proclamation Declaring the Election of Thomas G. McCulloh as a Representative of Pennsylvania in the United States Congress.

Pennsylvania, ss:

[Signed] William Findlay.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. By WILLIAM FINDLAY, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas by a return duly made by the judges of a special election held in the fifth congressional district, composed of the counties of Cumberland, Franklin, Adams and Perry, in this Commonwealth, on Tuesday the tenth day of October instant, in pursuance of writs issued by me on the twelfth day of September last, under the authority of an Act of the General Assembly passed the eighteenth day of February, in the

year one thousand eight hundred and five, it appears that Thomas G. McCulloh was duly elected to serve as a Representative of this State in the House of Representatives of the United States, to supply the vacancy occasioned by the resignation of David Fullerton, Esquire: And Whereas, in and by one other act of the General Assembly, passed the twentieth day of March in the year one thousand eight hundred and twelve, it is provided "that the Governor having received the returns of such elections, shall declare by proclamation the name or names of the person or persons to him returned as duly elected in each respective district": Now therefore, I have issued this proclamation, hereby publishing and declaring that the said Thomas G. McCulloh is duly elected and chosen a Representative of this State in the House of Representatives of the United States, during the remainder of the time for which the said David Fullerton was elected to serve.

Given under my hand and the Great Seal of the State at Harrisburg this twenty-eighth day of October, in the year of our Lord one thousand eight hundred and twenty, and of the Commonwealth the forty-fifth.

By the Governor.

James Trimble, Deputy Sec'y.

Proclamation of the Election of Representatives of
Pennsylvania in the United States Congress.

Pennsylvania, ss:

[Signed] William Findlay.



I N THE NAME AND BY THE AU-
thority of the Commonwealth
of Pennsylvania. By WILLIAM
FINDLAY, Governor of the said Com-
monwealth.

A PROCLAMATION.

Whereas, it is provided in and by an act of the General Assembly of this Commonwealth, entitled "An act to provide for the election of Representatives of the people of this State in the House of Representatives of the United States," passed the twentieth day of March, in the year one thousand eight hundred and twelve, that the Governor having received the returns of the election held in the several counties of this Commonwealth, shall declare by Proclamation the name or names of the person or persons to him returned as duly elected, in each respective district: And Whereas, it appears from the returns of the general election held on Tuesday the tenth day of October last, in and for the several districts hereinafter mentioned, that the following named persons were duly elected to serve in the House of Representatives of the Congress of the United States for the term of two years from and after the fourth day of March next, viz: In the district composed of the City of Philadelphia and the counties of Philadelphia and Delaware, John Sergeant, Joseph Hemphill, William Milnor and Samuel Edwards. In the district composed of the counties of Chester and Montgomery, William Darlington and Samuel Gross. In the district composed of the counties of Lancaster, Dauphin and Lebanon, James Bu-

chanan and John Phillips. In the district composed of county of York, James G. Mitchell. In the district composed of the counties of Cumberland, Franklin, Adams and Perry, James McSherry and James Duncan. In the district composed of the counties of Bucks, Northampton, Lehigh, Wayne and Pike, Dr. Samuel Moore and Thomas J. Rogers. In the district composed of the counties of Berks and Schuylkill, Ludwig Worman. In the district composed of the counties of Bedford, Somerset and Cambria, John Tod. In the district composed of the counties of Mifflin, Huntingdon, Centre and Clearfield, John Brown. In the district composed of the counties of Northumberland, Union, Columbia, Luzerne, Bradford, Susquehanna, Lycoming, Tioga, Potter and McKean, George Denison and William Cox Ellis. In the district composed of the counties of Westmoreland, Indiana, Jefferson and Armstrong, George Plummer. In the district composed of the county of Washington, Thomas Paterson. In the district composed of the counties of Fayette and Greene, Andrew Stewart. In the district composed of the counties of Allegheny and Butler, Henry Baldwin. In the district composed of the counties of Beaver, Mercer, Crawford, Venango, Erie and Warren, Patrick Farrelly: Now therefore, I have issued this proclamation hereby publishing and declaring that the said John Sergeant, Joseph Hemphill, William Milnor, Samuel Edwards, William Darlington, Samuel Gross, James Buchanan, John Phillips, James S. Mitchell, James McSherry, James Duncan, Dr. Samuel Moore, Thomas J. Rogers, Ludwig Worman, John Tod, John Brown, George Denison, William Cox Ellis, George Plummer, Thomas Patterson, Andrew Stewart, Henry Baldwin and Patrick Farrelly are duly elected and chosen as Representatives of the people of this State in the House of Representatives of the United States for the term of two years, to commence from and after the fourth day of March next.

Given under my hand and the Great Seal of the State at Harrisburg this first day of November, in the year of our Lord one thousand eight hundred and twenty, and of the Commonwealth the forty-fifth.

By the Governor.

S. D. Ingham, Sec'y.

Proclamation of Reward for the Apprehension of Filatio Russell, Solomon Price and Adam Stoops, charged with Burglary.

Pennsylvania, ss:

[Signed] Wililam Findlay.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By WILLIAM FINDLAY, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, I have received authentic information that on the thirtieth day of September last, between eight and nine o'clock in the evening, a most daring and outrageous burglary was committed in the dwelling house of Thomas Mann, in Third near Shippen street, Philadelphia, by certain persons among whom were the following, to wit: Filatio Russell, Solomon Price and Adam Stoops, and that they have fled from justice and the efforts to arrest them have hitherto proved ineffectual.

And Whereas the reputation of the government, the peace and security of its citizens, and the obligations of justice and humanity require that the perpetrators of offenses so atrocious should be brought to speedy and condign punishment: I have therefore

thought proper to issue this proclamation, hereby offering a reward of three hundred dollars to any person or persons who shall apprehend and secure within any jail of this Commonwealth the said Filatio Russell, Solomon Price and Adam Stoops, to be paid on their conviction, or one hundred dollars for the apprehending, securing and convicting any one of them: And all Judges, Justices, Sheriffs, Coroners, Constables and other officers within this Commonwealth according to the duties of their respective offices, are hereby required and enjoined to be attentive and vigilant in enquiring after and bringing to justice the perpetrators of the crimes aforesaid.

Given under my hand and the Great Seal of the State at Harrisburg, this tenth day of November, in the year of our Lord one thousand eight hundred and twenty, and of the Commonwealth the forty-fifth.

By the Governor.

S. D. Ingham, Sec'y.

Annual Message to the Assembly—1820.

Fellow Citizens:

THE ASSEMBLAGE OF LEGISLATIVE BODIES, composed of representatives of the people from all parts of the state, furnishes an interesting commentary upon the theory and principles of republican government; in which by an equal representation of all the parts, the interests of the whole can scarcely fail to be practically understood, faithfully promoted, and perfectly secured.

The continuance of our civil and religious privileges unimpaired, together with the numerous blessings we enjoy, and especially the bounteous rewards of the labor of the husbandman in the abundant harvests and

fruits of the earth, and the merciful preservation of our metropolis from the scourge of a threatened pestilence during the past season, demand our fervent gratitude and devout acknowledgments to the supreme author of all good.

Pennsylvania has long been deservedly distinguished for her agricultural skill and industry; and notwithstanding the many discouragements which prevail, the improvements in this invaluable pursuit are supplying increased products from the soil, that will be substantial resources for comfort, convenience and profit, under every vicissitude of our country: and it is gratifying to observe, that the pecuniary embarrassments which have been so generally felt throughout the state, are yielding to an invigorated industry and exemplary economy, that must, if persevered in, eventually afford an essential relief.

The limited demand for, and consequent low prices of, our agricultural products in foreign markets, cannot fail to suggest the necessity as well as the policy of promoting domestic manufactures, which, if properly encouraged, would provide a sufficient home market for all our surplus produce. Whatever may be expected from legislative enactments, whether by the national or state governments, in aid of domestic industry, not less is to be hoped from the influence of examples that shall tend to eradicate the prejudices and unnatural predilections of those who prefer to encourage the industry of Europe and Asia to that of their own country.

The wise and judicious policy of the general government in its vigorous and successful exertions to extinguish the public debt, and to provide for the permanent defence of the country, as well as its firmness and moderation in our foreign relations, have not only confirmed the high respect entertained for its charac-

ter at home and abroad, but it is trusted, have laid the foundations of a long and honorable peace. While the people of this nation shall by their public agents thus persevere in providing for the public safety, in cultivating friendly relations with all the world upon the principles of moral justice, and in cherishing a patriotic regard for national, in preference to local or partial interests, the United States must continue to advance to that high prosperity and permanent security, for which they appear to have been destined by the Supreme Ruler of the universe.

The various duties which devolved upon the executive department during the recess, have been either executed or are in progress of fulfilment. The commissioners for the superintendence of the state capitol have made a further contract, under the act of last session, for the erection of stone columns, and coppering parts of the roof: copies of which will be laid before you. The capitol is in such forwardness as to justify the expectation that it will be ready for the accommodation of the legislature at their next session; and with a view to that object, a further appropriation will be requisite to provide the necessary furniture.

In the months of April last, I received notice that a general meeting of the stockholders of the "company for erecting a bridge over the Susquehanna river, in the county of Lancaster, at or near the town of Columbia," had been called, for the purpose of enquiring into some supposed mismanagement of the board of directors. The commonwealth having a considerable interest in the stock of that company, I appointed George B. Potter, Esq., an agent, to represent it, at the aforesaid meeting of stockholders. A copy of his report to me, herewith communicated, will shew the propriety of a vigilant attention to the management

of companies in whose stock the commonwealth holds an interest.

The constitutional provision, directing that an enumeration of the taxable inhabitants of the state shall be made every seven years, with a view to the apportionment of the members of the legislature in the several counties, will require a law to be passed at the present session to carry it into effect.

The act to continue the district court for the city and county of Philadelphia, will expire by its own limitation on the 30th of March next. Unless it should be deemed advisable to effect such a revision of the judiciary system, as to prevent the necessity of temporary expedients to remedy its defects, the mass of business in the common pleas of that district, will probably require a continuance of this court.

It is now generally admitted that the system of punishing criminal by confinement at hard labor, as it has been established in Pennsylvania, having for its object their reformation and consequent restoration to usefulness in society, does not answer the humane purposes intended by its authors; and I would recommend to your attention a further effort to remedy its defects.

The state penitentiary at Pittsburg is constructing upon a plan which contemplates the separate and solitary confinement of 220 prisoners. But as it was necessary to provide for the confinement of a greater number, the same law which directed its construction, authorised the sale of the old prison of the city and county of Philadelphia, and the appropriation of the proceeds to the erection of a prison in the vicinity of that city, similar to that proposed at Pittsburg. This part of the law has not been carried into effect; and I would recommend for your consideration, the propriety of making such a disposition of the new Philadelphia prison, which is considered as the exclusive

property of the commonwealth, as would adapt it to the plan of solitary confinement, and also to separate it from all connection with the prison of the city and county; as there can be no sufficient reason for connecting the state prison with a local prison, when the funds are, or ought to be, drawn from distinct sources, and the accounts kept entirely separate.

The ardor and zeal of our young men for improvements in military discipline, are evinced by numerous associations of volunteer corps in various parts of the state: but our militia system still labors under many and important defects, some of which may be seen by referring to the reports of the officers that have been from time to time communicated to the legislature. The system has, moreover, under the present law, subjected the commonwealth to a heavy annual expense, without affording any adequate degree of force or efficiency; which consideration alone, is of sufficient importance to justify a review of its provisions.

The subject of internal improvement will necessarily again occupy the attention of the legislature. My views on this important branch of our internal economy, have been fully communicated in former messages; but I cannot forbear again to urge the importance of an effort to direct public attention to some leading objects of unquestionable usefulness, by means of a board of commissioners, whose business it will be to ascertain facts for the information of the legislature in their future undertakings. It is believed that such a measure would ensure the accomplishment of the most valuable works, and, at the same time, avoid an improvident disbursement of public money.

The whole amount of money expended by the commonwealth in public improvements for the last fifteen years, exceeds \$1,567,216. The number of miles of turnpike road ascertained on the 1st of December, 1818, was 980. Since that time 340 miles more have been

made; making a total of 1,320 miles of stone and gravel turnpike road, that have been completed, and by far the greater part within the same time, which, at an average of \$5,000 a mile, will have cost \$6,600,000. Many important objects have been effected, and the agriculture and internal commerce of the state greatly promoted, by the enterprize of our citizens, aided by the liberality of the commonwealth. But if the application of the public money had been more generally confined, in the first instance, to the improvement of leading channels of communication, there cannot be a doubt, but that the benefits arising from the disbursements would have been more sensibly realized, and the eventual opening of the tributary channels more easily and successfully accomplished.

The commonwealth possesses a large interest in several turnpike roads, leading to its west and north-west borders, from which but a very inconsiderable revenue can be expected for a number of years; and seeing the great importance of facilitating a cheap communication through the interior of the state, I would suggest for your consideration the propriety of effecting, by means of the state interest, such an arrangement with the companies interested in those roads, as would either make a permanent reduction of their tolls, or permit wheels of a certain width to pass toll free. Such a measure would not only be highly beneficial to the business of our eastern and western cities, but the intermediate counties through which transporting teams must pass, would derive a full share of the advantage.

Considerable sums of money have been expended from time to time, in the endowment of academies, from which the community have not derived any adequate advantage. These academies were originally chiefly intended as preparatory schools for those who were designed for the higher branches of education,

but no condition for that purpose having been made in the laws granting the endowments, they have in many instances dwindled into primary schools, of the lowest order, and in some cases are totally vacant. It but too frequently happens that those to whom the most liberal grants of public money are made, become the least inclined to the exercise of public spirit, and hence the necessity of annexing such conditions to grants of money as will ensure the accomplishment of the views of the government in making them.

There is no object more desirable in a republic, than the general diffusion of the means of knowledge. Education not only enlarges the power of the human capacity for the accomplishment of whatever tends to advance the public welfare, but it is the natural enemy of vice, and promoter of virtue. It moreover constitutes the only effectual protection against the deceptive arts and bold designs of the enemies of republican government.—The promotion of so invaluable an object, cannot fail to receive a share of legislative attention.

A diminution in various branches of the revenue, which has arisen from the same causes that depress the business of individuals, will suggest the necessity of a careful attention to the financial concerns of the commonwealth.

The large appropriations of money for internal improvement and other purposes, made prior to the 30th November, 1817, and unpaid on that day, amounting to \$1,187,042.71, have made it necessary since to resort to loans, to a limited extent, to meet the demands upon the treasury. The whole amount of debt on account of these loans, on the 30th of November last, including \$150,000, borrowed in pursuance of acts of the last session, was \$430,000. During the same time there has been paid, on account of appropriations, made prior to the 30th November, 1817, \$755,001.19;

which exceeds the amount of the loans by \$365,001.19; making an actual reduction of the state debt, by that sum, in three years, exclusive of the payment of \$76,091.88, towards the erection of the state capitol, and \$56,852.63, for the Pittsburg penitentiary.

It was probably expected, when these large appropriations were made, that the ordinary revenues of the commonwealth would have been sufficient to meet them, without resorting to loans. The very great and unexpected reduction of these revenues, has disappointed this expectation; but as the commonwealth has been enabled, even with its diminished income, to accomplish some important undertakings, and at the same time to effect a considerable reduction of the public debt, there is reason to believe that with proper economy and management of the resources, its credit may be fully sustained as heretofore. This object might be somewhat aided by a prudent retrenchment of the expenditures in the civil as well as the military department of the government.

A revision of the laws establishing the fee bill is also worthy of legislative attention. And as the rate of compensation to public officers ought to be regulated by the degrees of responsibility attached to them, together with the expense of subsistence, there will be, with these guides, but little difficulty in fixing upon a standard that shall neither be so high as to offer temptation to avarice, nor so low as to exclude all but the rich from any participation in public affairs.

The balance in the treasury on the 30th November, was \$27,369.90; which, together with the ordinary revenue, and a loan of \$50,000, negotiated since the annual accounts were made up, will be considerably more than sufficient to meet the ordinary expenses of the ensuing year.

It is ascertained that nearly the whole of the appropriation for the Pittsburg prison has been expended; and the report of the commissioners herewith transmitted, exhibits an estimate of the probable expense of completing that part of the work which has been commenced.

The balance of the claims of the commonwealth on the United States for militia expenses during the late war, and an old claim growing out of the western expedition in 1794, which, by the assiduous attention of the auditor-general, are now in a course of examination at the war department, and, as appears by his report to me (a copy of which is herewith transmitted), will probably be finally liquidated in a short time, together with the remainder of the loan authorised by the act of 28th March, 1820, will constitute a surplus fund, applicable to existing engagements under special appropriations, for which some further provision will still be necessary: and should it be determined to extend the system heretofore pursued in relation to internal improvements, by any considerable appropriations of money, it will be indispensable to provide further revenues to maintain the credit of the commonwealth, and meet its engagements with punctuality and good faith.

A regard for the public, rather than individual and local interests, will always be found the most unerring guide by which to direct the course of those who are entrusted with public affairs: and, although about to retire from the highly responsible station to which I had been called by the suffrages of my fellow-citizens, and probably to take a final leave of the cares of public life, I can never cease to cherish that ardent desire for the welfare of my native state, which, I trust, has actuated my conduct through a long course of public service. There is a gratification in the conscious love of country, and unceasing solicitude for its interests,

which no circumstances can destroy. My public life has no doubt been clouded by many errors of the judgment; but in reviewing the numerous intrinsic difficulties which pertain to the exercise of an extensive patronage, and especially when an inordinate avidity for power and emolument were so prevalent, I shall always regard it as a source of high satisfaction, that every attempt on the part of ambitious individuals, or secret associations, to exercise an unconstitutional control over the executive authority of the commonwealth, has been successfully resisted, during the period those functions have been entrusted to my care. No one can be more sensible than I am of the duty of every citizen to submit to the public will, as ascertained according to the forms of constitutional law; and being supported by the silent voice of an approving conscience, I shall retire from the arduous care of public service, perceiving but little to regret upon a review of the past, and not more to apprehend from the just decision of posterity.

I conclude, fellow-citizens, with humbly beseeching the God of nations that he will continue to bless our country, and maintain to the latest posterity the principles and institutions of its governments; and that he may, in an especial manner, guide, direct and prosper the destinies of this my native state.

WILLIAM FINDLAY.

Harrisburg, December 7, 1820.

To the Assembly Transmitting Certain Documents.

I HAVE DIRECTED TO BE LAID BEFORE YOU copies of resolutions of the legislature of Connecticut and New Jersey, disagreeing to an amendment to the constitution of the United States, proposed by

the legislature of this commonwealth, and copies of resolutions of the legislature of Tennessee, concurring in the said amendment.

Also copies of an act of the legislature of New Jersey, entitled "An act to prevent obstructions to the navigation of the river Delaware."

I also transmit to you copies of a letter from the governor of the State of Maryland, covering an act of the legislature of that state, entitled "An act to incorporate the Octorara navigation company."

WM. FINDLAY.

Harrisburg, December 12th, 1820.

State of Tennessee.

In the General Assembly, 29th of November, 1819.

Resolved, By the general assembly of the State of Tennessee, that a resolution adopted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in general assembly met, proposing the following amendment to the Constitution of the United States, to wit;

"Congress shall make no law to erect or incorporate "any bank or other monied institution except within "the district of Columbia, and every Bank or other "monied institution which shall be established by the "authority of Congress, shall, together with its "branches, and offices of discount and deposit, be confined to the district of Columbia," be and the same "is hereby concurred with.

Resolved, That our Senators in Congress be instructed, and our Representatives in Congress be requested, to use their exertions to procure the adoption of the foregoing amendment.

Resolved, That the Governor be requested to transmit copies of the foregoing resolutions and proposed amendment to each of our Senators and Representatives in Congress.

Murfreesborough,
27th Dec., 1820.

Sir:

In the absence of his excellency governor M'Minn, I have the honor of forwarding to you the enclosed copies of certain resolutions adopted by the general assembly of this state, at their last session.

I am, very respectfully,

Your obedient servant,

Daniel Graham,
Secretary of State.

His Excellency the Governor of the State of Pennsylvania.

State of New Jersey.

Council Chamber, February 16th, 1820.

Resolved, By the legislative council and general assembly of the state of New Jersey, that they do not concur in the amendment to the constitution of the United States, proposed to the consideration of the several states, by the state of Pennsylvania, which is as follows, viz: "Congress shall make no law to erect or incorporate any bank, or other monied institution, except within the district of Columbia; and every bank, or other monied institution, which shall be established by the authority of congress, shall, together with its branches, and offices of discount and deposit, be confined to the district of Columbia."

Resolved, That the governor of this state be requested to transmit copies of the foregoing resolutions to the executives of the several states, with a request that they lay the same before the legislatures thereof.

State of New Jersey, Secretary's Office,
Trenton, April 1st, 1820.

Sir:

In the absence of governor Williamson, I have the honor of forwarding to you the enclosed copy of cer-

tain resolutions adopted by the legislative council and general assembly of this state at their late session.

I have the honor to be, with great respect,

Sir, your obedient servant.

James Linn, Secretary of State.

To his excellency the governor of the state of Pennsylvania.



To the honorable the Senate and House of Representatives:

The committee to whom was referred resolutions of the legislatures of the states of Pennsylvania and Ohio, proposing an amendment to the constitution of the United States, have had the subject referred to them under consideration, and respectfully submit the following resolution.

Signed, by order,

C. Hinman.

Resolved, By the Senate and House of Representatives of the general assembly of the state of Connecticut, that it is not expedient to make the amendment to the constitution of the United States, proposed to the consideration of the legislatures of the several states, by the states of Pennsylvania and Ohio, which is as follows, to wit: "Congress shall make no law to erect any bank, or other monied institution, except within the district of Columbia; and every bank, or other monied institution, which shall be established by authority of congress, shall, together with its branches and offices of discount and deposit, be confined to the district of Columbia."

Resolved, That the governor be requested to transmit copies of the foregoing resolution to the executives of the states of Pennsylvania, Ohio and New Jersey.

State of Connecticut,
Litchfield, July 31st, 1820.

Sir:

Agreeably to the request of the general assembly of this state, I herewith transmit their resolutions, passed at their last session, on the subject of an amendment to the constitution of the United States, proposed by the states of Pennsylvania and Ohio.

I have the honor to be, with great respect,

Your excellency's most obedient servant,

Oliver Wolcott.

To his excellency the governor of Pennsylvania.

Trenton, March 8th, 1820.

Sir:

By directions of the governor of New Jersey, I transmit to you a copy of an act passed by the legislature of that state, entitled "An act to prevent obstructions in the navigation of the river Delaware."

I am, with respect,

Your humble servant,

James Linn, Secretary of State.

His excellency William Findlay, Esq.





Joseph Hiester

JOSEPH HIESTER.
Governor of the Common-
wealth.
1820-1823.



Chapter II.

JOSEPH HIESTER.

Governor of the Commonwealth,

1820-1823.

WITH JOSEPH HIESTER, THE REVOLUTION-ary soldier again comes to the front in the administration of public affairs. The son of a German immigrant, born at Reading in 1752, his early years were passed in hardship and toil, interspersed with such educational opportunities as were afforded by the defective country schools of his day. In 1776, he was a member of the State Conference, held in Philadelphia, for the purpose of advocating and assisting the Revolutionary cause.

Late in 1775 or early in 1776 he raised a company of his friends and neighbors of which he was made captain, and commanded his company,—declining the Colonelcy of the regiment—until he was taken prisoner by the British at the battle of Long Island and confined for a year, first in the infamous prison ship *Jersey*, and later in New York, in both of which places he suffered atrociously. Exchanged, he rejoined the army, to be wounded at Germantown, but nevertheless to continue in the service to the close of the war.

Upon his return to civil life, he was at once called into the service of the people, being, in 1787, a member of the Convention for the ratification of the Constitu-

tion of the United States, and, in 1789, a member of the State constitutional convention. For several terms, he was a member of the Legislature where he did much valuable work. In 1799, he was elected to represent the Berks district in Congress, serving as representative of that district for fourteen years, from 1799 to 1805 and again from 1815 to 1821.

In 1821, he was elected by the Old School Republican party, with the assistance of the Federalists, Governor of the Commonwealth. His administration was noteworthy for the development of transportation facilities, many canal and turnpike companies being formed. He also paid much attention to the subject of public instruction, and the development of the state free school system. Under the constitution of 1790, with the growth of the State, the enormous official patronage in the hands of the Governor had become an intolerable burden upon the executive. Every state and county office, with few exceptions, was filled by appointment of the Governor, and the amount of annoyance to which he was subjected in distributing them was particularly objectionable to the conscientious Hiester, and he strongly urged its removal. During his administration, in 1822, the new Capitol at Harrisburg was for the first time occupied.

Upon the expiration of his incumbency of the executive, he withdrew to private life and passed the remainder of his days in that dignified retirement to which his long and faithful public career entitled him; he died at Reading, June 10, 1832. His service as governor covered the period from December 19, 1820, to December 16, 1823.

Proclamation Announcing the Election, as Governor, of Joseph Hiester and Continuing All Appointments under the Executive for the term of Ninety Days.

Pennsylvania ss.

[Signed] Jos. Hiester.



I N THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. By JOSEPH HIESTER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas the Speaker and Members of the Senate, and the Speaker and Members of the House of Representatives of the General Assembly of the Commonwealth have duly certified that the said Speaker of the Senate did, on the eighteenth day of December, instant, in the chamber of the House of Representatives, in the Borough of Harrisburg, open and publish the returns of the late election of a Governor of the said Commonwealth, in the presence of both houses of the Legislature, conformably to the constitution of the said Commonwealth; and that upon counting the votes, by a teller appointed from each house, it appeared that Joseph Hiester had a majority of votes; whereupon the said Joseph Hiester was declared to be duly elected Governor of the said Commonwealth, and having first taken the oaths of office, was accordingly on this nineteenth day of December proclaimed Governor thereof.

Now, in pursuance of the power and trust to the Governor of this Commonwealth, by the constitution and laws granted and confided, and for preventing all failures in the administration of justice; I, the said Joseph Hiester, have deemed it expedient to issue this proclamation, hereby confirming and continuing all appointments made, and all commissions heretofore

lawfully issued, for the term of ninety days from the date of these presents, unless the said appointments and commissions shall be sooner superseded and annulled.

And I do further direct and enjoin all public officers engaged in the several departments of the government, to proceed with diligence and fidelity in the performance and execution of their respective stations, so as most effectually to promote and secure the interest, peace and safety of the Commonwealth.

Given under my hand and the Great Seal of the State at Harrisburg, the nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty, and of the Commonwealth the forty-fifth.

By the Governor.

Andrew Gregg, Sec'y.

Inaugural Address to the Assembly—1820.

Fellow Citizens,

THE DISTINGUISHED MARK OF CONFIDENCE with which I have been honored, in being called by the public voice to perform the functions of the executive department of this state, demands my warmest acknowledgments. The opportunity now presented is embraced to express to you, and through you to the freemen of this commonwealth, the lively sense of gratitude with which the public suffrage, in my favor, has filled me. My conduct in that station in which the people have been pleased to place me, contrary to my own inclination and judgment, shall, I hope, prove the sincerity of the gratitude expressed.

The solemn pledge which I have just given to perform the duties of my office with fidelity, impresses me with a deep sense of their importance, and I have reason to

implore the assistance of Divine Providence in the arduous task I have undertaken.

The many difficulties which a chief magistrate of this state has to encounter, increased probably at this time beyond what they have been heretofore, and the great responsibility attached to his office, render me seriously apprehensive that my best efforts will be inadequate to give satisfaction, even to the disinterested and patriotic part of the community. But, I trust, if any errors shall be committed, they will not be chargeable to intention, they will owe their origin to the imperfection of our nature and the narrow limits of human foresight; they will not proceed from a wilful neglect of duty on my part, nor from any want of devotion to the best interests of our beloved country. Such errors, I may justly hope, will meet with indulgence from an enlightened and liberal people. Where censure shall, upon a full and impartial view of matters, be merited, let it not be withheld. It is the duty of freemen to examine closely into the conduct of those to whom they have delegated their power, or the guardianship of their rights and interests; to censure the abuse of the one, or the neglect and mismanagement of the other.

In approaching the station to which I have been called, with a due sense of its difficulty and responsibility, I pledge myself to pursue with sincerity and diligence, that course which my best judgment shall direct, to promote public happiness; and believing that to cherish and strengthen an attachment to free government; to soften the rancor and allay the prejudices of party spirit; to unite the mass of the people as one republican family, will be among the means of increasing the comforts of social life, I shall direct all my efforts to accomplish these purposes. Considering myself as elected by the people of this commonwealth and not by any particular denomination of persons, I shall endeavor to deserve the name of Chief Magistrate of

Pennsylvania, and to avoid the disgraceful appellation of Governor of a party. In appointments to office, it will be my endeavor to select without distinction of party, such as I believe to be the most honest and capable; and if I shall be successful in this respect; I trust, that with the assistance of your wisdom and patriotic endeavors in matters of legislation, the prosperity of the commonwealth may be promoted; its relations with the general government honorably upheld, and all its lawful rights maintained.

In deliberating upon the concerns of the commonwealth,

Gentlemen of the Senate and
House of Representatives,

You will find one of the most prominent topics to be the stagnation of trade and business of every description, the almost total annihilation of confidence between man and man, and the distress of many individuals of the community. If any thing could be done to encourage and revive the activity of our citizens; if any means could be devised to restore confidence and to prevent the sacrifice of property with due attention to the rights of all parties, I should most heartily concur in any measures calculated to attain these desirable ends. Permit me to suggest to you whether it would not be possible to devise some method of reducing the enormous power and patronage of the governor, without impairing the other general features of our present excellent constitution; whether the annual sessions of our Legislature might not be shortened without detriment to the public good; whether a reduction of salaries of fees of office, and compensation for public services, ought not at this time to take place, to correspond in some degree with the reduced prices of agricultural produce. It also deserves serious consideration

whether public improvements might not, at this time, be advantageously made, and domestic manufactures encouraged with success. Above all, it appears an imperative duty, to introduce and support a liberal system of education, connected with some general religious instruction. These are matters which will certainly engage your attention, and will probably be objects of your deliberations, and if any adequate measures shall be proposed; it would give me great pleasure to be instrumental in their promotion.

Let us, fellow citizens, every one in his station, for we are all members of one family, by whatever name we may be designated, unite in earnestly laboring to promote the common good; and that Providence, which has heretofore granted us abundant blessings, will, I humbly trust, continue them; and so crown our labors, that our posterity, in the enjoyment of every desirable, civil and religious privilege, may bless our memory, when we are mouldering in the dust with those whose toil and blood achieved our liberties.

JOSEPH HIESTER.

Harrisburg, December 19, 1820.

To the Assembly Giving Notice of the Appointment of Andrew Gregg to be Secretary of the Commonwealth.

Gentlemen,

IT IS PROPER TO INFORM YOU THAT I HAVE this day appointed and commissioned Andrew Gregg, esquire, to be Secretary of the Commonwealth, during my continuance in office, agreeably to the 15th section of the second article of the constitution.

JOSEPH HIESTER.

Harrisburg, December 19, 1820.

Proclamation of the Election of Daniel Udree as a Representative of Pennsylvania in the United States Congress, to fill the Vacancy occasioned by the Resignation of Joseph Hiester.

Pennsylvania ss.

[Signed] Joseph Hiester.



I N THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By JOSEPH HIESTER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, by a return duly made by the judges of the special election, held in the Seventh Congressional district, composed of the counties of Berks and Schuylkill, in this Commonwealth, on Tuesday, the twenty-sixth day of December last, in pursuance of writs issued by the Governor on Thursday the thirtieth day of November last, under the authority of an act of the General Assembly, passed the eighteenth day of February, in the year one thousand eight hundred and five, it appears that Daniel Udree was duly elected to serve as a Representative of this State in the House of Representatives of the United States, to supply the vacancy occasioned by the resignation of Joseph Hiester, Esquire; And Whereas, in and by one other act of the General Assembly, passed the twentieth day of March, in the year one thousand eight hundred and twelve, it is provided, "that the Governor having received the returns of such elections, shall declare by proclamation the name or names of the person or persons to him returned as duly elected in each respective district." Now therefore, I have issued this Proclamation, hereby publishing and declaring that the said Daniel Udree is duly elected and chosen a Representative of this State in the House of Representatives of the United

States, during the remainder of the time for which the said Joseph Heister was elected to serve.

Given under my hand and the Great Seal of the State at Harrisburg this tenth day of January, in the year of our Lord one thousand eight hundred and twenty-one, and of the Commonwealth the forty-fifth.

By the Governor.

Andrew Gregg,

Secretary of the Commonwealth.

Order Upon the State Treasurer for Ten Thousand Dollars for the Relief of the Sufferers from the Late Fire in Savannah, Ga.

Harrisburg, February 26th, 1820.

Sir,

PAY TO THE MAYOR OF THE CITY OF SAVANNAH, in the state of Georgia, or to his order, the sum of ten thousand dollars for the relief of sufferers by the late fire in that city, granted to them by an act of the general assembly of this commonwealth, passed on the twenty-fourth instant, and to be distributed according to the directions of the said act, among the said suffers, in such manner as the magistrate of the said city may direct.

WM. FINDLAY.

To Richard M. Crain, Esq.,
State Treasurer.

To the Assembly Transmitting Certain Documents.

Gentlemen,

I HEREWITH TRANSMIT FOR YOUR CONSIDERATION the copy of a report made by the commissioners appointed on the 20th day of September, 1820, to view the second section of five miles south of

Waterford, of the turnpike road from the river Susquehanna, near the mouth of Anderson's creek, to the town of Waterford. The description of the road, in the report, is such as induces me to believe that it is not completed according to the true intent and meaning of the act of assembly, and therefore have declined granting a license to the company to collect tolls from persons travelling on the same. Under these circumstances, therefore, I have thought it proper to submit the subject to the consideration and decision of the Legislature.

I have directed to be laid before you, at the same time, copies of a letter from the Governor of the state of New Hampshire, conveying a resolution of the legislature of that state, disagreeing to an amendment to the constitution of the United States, proposed by the legislature of this commonwealth.

JOSEPH HIESTER.

Harrisburg, January 31, 1821.

DOCUMENTS.

To His Excellency William Findlay, Esq., Governor of the Commonwealth of Pennsylvania:

Sir—In obedience to your commission, under the great seal of the said commonwealth, dated the 20th day of September, 1820, to us directed, to view and examine the second section of the five miles of the "turnpike road from the river Susquehanna, near Anderson's creek to the town of Waterford," agreeably to the provisions of the act of the general assembly of the said commonwealth, passed the 22d day of February, 1812: We, the undersigned, beg leave to report to your excellency, that we have carefully and patiently examined the said section of five miles, commencing at the south end of the first section of the said road, to the north side of French Creek; that the road is cut and opened sixty feet wide; that an artificial road of twenty feet wide is made in a workmanlike manner, and composed of wood and the natural materials of that part of the country through which it passes, with an even surface and proper curve; that good bridges have been

erected over such streams of water as are necessary on said road, and that no part of the same exceeds an elevation of four and an half degrees from a horizontal line.

Very respectfully,

We are,

Your Excellency's obedient servants,

THOMAS FORSTER,

J. GRUBB,

JOHN PHILLIPS,

Commissioners.

Erie County, Waterford, November 1, 1820.

State of New Hampshire,

Executive Department,

Chester, January 10, 1821.

Sir—I have the honor to transmit you the accompanying copy of a Resolve, passed by the legislature of this state at its last session.

I have the honor to be,

Very respectfully,

Your Excellency's most obedient servant,

SAMUEL BELL.

His Excellency Joseph Hiester, Governor of the Commonwealth of Pennsylvania.

State of New Hampshire,

In the year of our Lord one thousand eight hundred and twenty.

Resolved by the Senate and House of Representatives in General Court convened, That it is inexpedient to concur in the amendment to the constitution of the United States, proposed to the consideration of the several states, by the state of Pennsylvania, which is in the following words, to wit:

“Congress shall make no law to erect or incorporate any bank or monied institution, except within the district of Columbia—and every bank, or monied institution, which shall be established by the authority of congress, shall, together with its branches and offices of discount and deposit, be confined to the district of Columbia.”

Resolved, That the Governor of this state be requested to transmit copies of the foregoing resolution to the Executives of the several states, with a request that they lay the same before the legislatures thereof.

To the Assembly Concerning the Erie and Waterford Turnpike, with Certain Documents Pertaining Thereto.

Gentlemen,

I HAVE THOUGHT IT PROPER TO LAY BEFORE you, a statement of the Erie and Waterford turnpike road, and the circumstances connected with it, believing it to be a subject requiring the interference of the legislature.

The act enabling the Governor to incorporate a company to make that road, was passed on the 13th day of February, 1804. On the 31st of March, 1806, an act was passed authorising and requiring the Governor to subscribe for one hundred shares in the stock of said road, for and on behalf of the commonwealth; and on the 7th day of September, 1808, the president of the board of managers applied by letter, to the Governor, to have commissioners appointed to view the road.

These commissioners reported on the 10th of July, 1809, that the road was finished, as they believed, according to the true intent and meaning of the law.

The Governor refused issuing license to erect toll-gates, in consequence of a remonstrance made by a number of the inhabitants of that county, alleging the road was not finished agreeably to law. The company, notwithstanding the Governor's refusal, did proceed to erect gates, to demand and receive toll, and have continued to do so ever since.

On the 26th day of February, 1811, a letter, covering the petition on which the license was refused, was addressed by the Secretary of the Commonwealth to the Attorney-General, suggesting to him the propriety of taking such measures, as he might deem legal and proper to redress the evil complained of. An answer to this letter was received from the Attorney-General, dated April 3d, 1811, mentioning that he had written to Mr.

Mountain, pointing out different modes of proceeding, calculated, in his opinion, to effect the object.

On the 28th of March, 1814, an act was passed directing the appointment of commissioners to view the road again. These commissioners made report on the 9th of August following, which was transmitted by message from the Governor, to the general assembly, on the 21st of December, in the same year. This gave rise to a bill which passed in the House of Representatives, on the 24th of February, 1815, and was negatived in the Senate, on the 9th day of March following. It does not appear that any measures have been taken in relation to the business since that time.

Copies of the reports made by both boards of commissioners, and of the Secretary of the Commonwealth, and Attorney-General, are herewith transmitted.

JOSEPH HIESTER.

Harrisburg, February 15, 1821.

DOCUMENTS.

Pursuant to the directions and provisions of the 12th section of the act entitled "An act to enable the Governor of this commonwealth to incorporate a company for making an artificial road from Erie to Waterford," passed the 14th day of February, 1804: We, the subscribers, having been nominated and appointed by the Governor of the said commonwealth to view and examine the artificial road made by the president, managers and company of the Erie and Waterford turnpike road," between the two aforesaid towns; and having examined the same road in pursuance of the said appointment, do hereby respectfully report:

To His Excellency Simon Snyder, Governor of the said Commonwealth:

That the said president, managers and company, have caused a road between the said towns of Erie and Waterford to be laid out, one hundred feet wide, and at least twenty feet thereof to be made an artificial road, bedded with clay and gravel, well compacted together; and in our opinion, of sufficient depth to secure a solid foundation to the same, in such manner as to

secure, as near as the aforesaid materials will admit, a firm and even surface, and so nearly level in its progress, as that it does in no place rise or fall more than will form an angle of four degrees with a horizontal line; and that the said road is, as we believe, executed in a masterly, workmanlike manner, according to the true intent and meaning of the act aforesaid.

Given under our hands, at the said town of Waterford, in the county of Erie, this tenth day of July, in the year of our Lord one thousand eight hundred and nine.

JESSE MOORE,

W. BELL,

JAMES G. HERON.

Erie, September 7th, 1808.

His Excellency Thomas M'Kean, Governor of the Commonwealth of Pennsylvania:

Sir—On behalf and by direction of the managers and company of the Erie and Waterford turnpike road, I have the honor of applying to your excellency for the appointment of persons to view and report whether the road is completed in manner required by the act of assembly.

It is important to the interest of the state as well as of the individual stockholders, that the road should be examined early, that the company may (should the road be approved), be authorized to collect toll before the commencement of winter. The former road is so excessively bad that we must permit the turnpike to be travelled in the mean time. I would take the liberty of suggesting to your Excellency, that should it be thought proper to appoint persons residing in this part of the state, Judge Moore of Meadville, Judge Bell of this county and Judge Heron of Venango county, are altogether disinterested and could be easily convened. They are perhaps as respectable as any that could be named.

I have the honor to be, sir,

With great respect,

Your Excellency's

Obedient servant,

THOS. FORSTER, President.

To the Assembly Approving Certain Acts and Transmitting Certain Documents.

Gentlemen,

I HAVE THIS DAY APPROVED AND SIGNED the following acts of the general assembly, and desired the Secretary of the Commonwealth to return the same to the Houses in which they originated.

“An act granting a review of part of the state road leading from Butler to Franklin;”

“An act for the relief of sundry old soldiers.”

“An act erecting the town of Berlin, in the county of Somerset, into a Borough.”

I take this opportunity of laying before you copies of a letter from J. P. DeGruchy, president of the board of managers of the Northumberland Bridge Company, together with copies of the accounts of the company, to the first day of May last.

JOSEPH HIESTER.

Harrisburg, February 27, 1821.

DOCUMENTS.

Northumberland, Jan. 20, 1821.

Sir—By order of the board of managers of the Northumberland Bridge Company, I have the honor to enclose you a copy of the accounts of the company to the first of May last, the period to which the accounts are annually made up. It will be observed, that the company are not yet out of debt, although by my last communication to the late governor, dated the 27th December, 1819, we were in expectation, that at the present time the receipts of toll would have enabled us to have discharged all the debts; but I am sorry to inform your excellency, that low as we thought the tolls were, ending in December, 1819, they are still lower in the year ending December, 1820, by \$366.81, and \$1,232.13 lower than at the same period in 1818, and of \$1,889.62 short of the receipts to December, 1817. We are in some measure to account for this deficiency from the great decrease of trade and of travelling; but more especially to the lowness of the waters for the past two years, which has enabled the few who do travel, to pass for many months under

the bridge by fording the river, instead of paying the toll and passing on the bridge; an evil which the stockholders of this and similar institutions in this state are obliged to submit to; while in the adjoining state of New-York, those who embark their property in those laudable improvements are protected by acts of assembly, preventing fording of the rivers, and giving to the respective companies a jurisdiction in some cases of three miles above, and three miles below the bridges.

When we again commence making dividends we shall divide on a capital of \$80,000 instead of \$90,000. In more prosperous times than these, I should say that we hoped to begin again to make dividends next May twelve-month: but circumstanced as the times are, your excellency will perceive that it is not possible to make any certain calculation as to the period. We have only to assure you, that no attention on the part of the board will be wanting to attain that desirable object, as soon as the receipts at the bridge will permit it.

All which is respectfully submitted for the information of the legislature, and I have the honor to subscribe myself,

Sir,

Your Excellency's

Most obedient and

Most humble servant,

J. P. DE GRUCHY,

President, N. B. C.

To his Excellency, Joseph Hiester, Esq., Governor of the state of Pennsylvania, &c., &c., Harrisburg.

To the Assembly with Documents from the Maryland Legislature relating to the Application of Public Lands to Public Education.

Gentlemen,

I HEREWITH TRANSMIT COPIES OF A LETTER from His Excellency the Governor of the state of Maryland, together with the accompanying report, and resolutions entered into and adopted by the General Assembly of that state, at their late session, relative to appropriations of public land, for the purposes of education, in which the co-operation of the

legislature of this state is solicited, towards the attainment of the objects therein contemplated.

JOSEPH HIESTER.

Harrisburg, March 8, 1821.

DOCUMENTS.

To His Excellency the Governor of the State of Pennsylvania:

Council Chamber, Annapolis,

February 16, 1821.

Sir—I am directed to transmit to your excellency the accompanying report and resolutions entered into and adopted by the General Assembly of Maryland at their late session; and to request that your Excellency will have the goodness to lay the same before the legislature of your state at the earliest possible period—whose co-operation is most respectfully solicited towards the attainment of the objects therein contemplated.

I have the honor to remain,

Your Excellency's most obedient fellow citizen,

SAMUEL SPRIGG.

Report, with sundry Resolutions relative to Appropriations of Public Land, for the purposes of Education, to the State of Maryland, January 30th, 1821.

Report, &c.

The committee to whom was referred so much of the Governor's Message, as relates to education of public instruction, beg leave to report—

That they concur with his excellency, in believing education and a general diffusion of knowledge in a government, constituted like ours, to be of great importance, and that in proportion, as the structure of a government gives weight to public opinion, it is essential that public opinion should be enlightened. Your committee consider our government as emphatically a government of opinion. A general diffusion of knowledge, which is essential to its right administration, cannot be effected unless the people are educated. No high degree of civilization; of moral power and dignity; or of intellectual excellence; no superiority in science, in literature, or in liberal and useful arts, which constitutes the noblest national supremacy, can be attained without the aid of seminaries of

learning. The establishment of literary institutions, then, of all grades, from the common school up to the university, becomes the first duty of the legislature of a free people.

Your committee are well aware of the difficulty in the present embarrassed state of our pecuniary concerns, of providing the means of making education general. They are fully sensible, that at this time large appropriations out of the public treasury for this purpose, all important as it is, cannot be expected. They deem it therefore their duty to recall to your notice a report, and certain resolutions presented to the Senate at the last session, by a committee of a like nature with the present, which has been referred to your committee, as a report of the unfinished business. The object of those resolutions was to call the attention of Congress, and the legislatures of the several states to the public lands as a fund from which appropriations for the purposes of education, may with justice be claimed, not only by Maryland, but all the original states, and three of the new ones.

One thirty-sixth part of all the states and territories, (except Kentucky), whose waters fall into the Mississippi, and the Gulf of Mexico, has been appropriated by congress, wherever the Indian title has been extinguished, and provisions made for further appropriations according to the same ratio, wherever the Indian title may hereafter be extinguished, for the support of common schools, and other large appropriations have been made for the support of seminaries of a higher grade. Your committee are of opinion that the states for whose benefit no such appropriations have been made, are entitled to ask them of congress, not as a matter of favor, but of justice. That this may more fully appear, especially as the right of those states to an equal participation with the states formed out of the public lands, in all the benefits derived from them has been doubted, your committee have deemed it proper to take a cursory view of the manner, in which they have been acquired.

Before the war of the revolution, and indeed for some years after it, several of the states possessed within their nominal limits extensive tracts of waste and unsettled lands. These states were all at that epoch, regal, and not proprietary provinces, and the crown either directly, or through the medium of officers whose authority had been prescribed, or assented to by the crown, was in the habit of granting those lands. The right of disposing of them was claimed and exercised by the crown in some form or other. They might therefore with strict propriety be called the property of the crown.

A question arose soon after the declaration of independence, whether those lands should belong to the United States, or to the individual states, within whose nominal limits they were situated. However that question might be decided, no doubt could be entertained that the property and jurisdiction of the soil, were acquired by the common sword, purse and blood of all the states, united in a common effort. Justice therefore demanded, that, considered in the light of property, the vacant lands should be sold to defray the expenses incurred in the contest by which they were obtained; and the future harmony of the states required, that the extent and ultimate population of the several states, should not be so disproportionate, as they would be, if their nominal limits should be retained.

This state as early as the 30th of October, 1776, expressed its decided opinion in relation to the vacant lands, by an unanimous resolution of the convention which framed our constitution and form of government, in the following words, viz: "Resolved unanimously, That it is the opinion of this convention, that the very extensive claim of the state of Virginia, to the back lands, hath no foundation in justice, and that if the same or any like claim is admitted, the freedom of the smaller states, and the liberties of America, may be thereby greatly endangered; this convention being firmly persuaded, that if the dominion over those lands should be established by the blood and treasure of the United States, such lands ought to be considered as a common stock, to be parcelled out at proper times, into convenient, free and independent governments."

In the years 1777 and 1778, the general assembly, by resolves and instructions to their delegates in congress, expressed their sentiments in support of their claim to a participation in these lands, in still stronger language, and declined acceding to the confederation, on account of the refusal of the states claiming them exclusively, to cede them to the United States. They continued to decline on the same grounds until 1781, when, to prevent the injurious impression that dissention existed among the states, occasioned by the refusal of Maryland to join the confederation, they authorised their delegates in congress to subscribe the articles; protesting however at the same time, against the inference (which might otherwise have been drawn), that Maryland had relinquished its claims to a participation in the western lands.

Most of the other states contended on similar grounds, with those taken by Maryland, for a participation in those lands.

By the treaty of peace in 1783, Great Britain relinquished

"to the United States, all claim to the government, property, and territorial rights of the same, and every part thereof."

The justice and sound policy of ceding the unsettled lands, urged with great earnestness and force by those states, which had united in conquering them from Great Britain, strengthened by the surrender on the part of Great Britain, of her rights of property and jurisdiction, to the United States collectively, and aided moreover by the elevated and patriotic spirit of disinterestedness and conciliation which then animated the whole confederation, at length made the requisite impression upon the states, which had exclusively claimed those lands; and each of them, with the exception of Georgia, made cessions of their respective claims within a few years after the peace. Those states were Massachusetts, Connecticut, New-York, Virginia, North-Carolina and South-Carolina, the charters of which, with the exception of New-York, extended westwardly to the South Sea or Pacific Ocean.

This circumstance gave to Massachusetts and Connecticut, a joint claim with Virginia, to such parts of what was then called the North-Western Territory, as came within the breadth of their respective charters. The rest of that territory lay within the limits of the charter of Virginia.

New-York, indeed, had an indefinite claim to a part of it.—Cessions, however, from all these states, at length completed the title of the United States, and placed it beyond all controversy.

The state of North-Carolina ceded its claim to the territory which now constitutes the state of Tennessee.

Georgia, (whose charter also extended westwardly to the Pacific Ocean), at length, in 1802, ceded the territory which now constitutes the states of Mississippi and Alabama, except a small part on the south-side of them, which was acquired under the treaty ceding Louisiana. The conditions of that cession were that the United States should pay one million two hundred thousand dollars to Georgia, and extinguish the Indian title within the limits which she reserved.

The United States have, in this manner, acquired an indisputable title to all the public lands east of the Mississippi.

All the territory west of the Mississippi, together with the southern extremity of the states of Mississippi and Alabama, was purchased of France, for fifteen millions of dollars. This sum as well as the sums required for the purchase of the Indian title to the public lands, was paid out of the treasury of the United States.

So far therefore, as acquisition of public lands has been made by purchase, it has been at the common expense; so far as it has been made by war, it has been by the common force—and so far as it has been made by cessions from individual states, it has been upon the ground expressly stipulated in most of the acts or deeds of cession, that the lands should be “considered, to use the words of the act passed for that purpose, by the state which made the largest cession,” as a common fund for the use and benefit of such of the states, as have become, or shall become members of the confederation, or federal alliance of said states, according to their usual respective proportions, in the general charge and expenditure, and shall faithfully and bona fide, be disposed of for that purpose, and for no other use or purpose whatsoever.

In whatever point of view therefore, the public lands are considered, whether as acquired by purchase, conquest or cession, they are emphatically the common property of the union. They ought to enure therefore to the common use and benefit of all the states, in just proportions, and cannot be appropriated to the use and benefit of any particular state or states, to the exclusion of the others, without an infringement of the principles upon which cessions from others states were expressly made, and a violation of the spirit of our national compact, as well as the principles of justice and sound policy.

So far as these lands have been sold, and the proceeds been received into the national treasury, all the states have derived a justly proportionate benefit from them: so far as they have been appropriated for purposes of defence, there is no ground for complaint; for the defence of every part of the country, is a common concern: so far, in a word, as the proceeds have been applied to national and not to state purposes, although the expenditure may have been local, the course of the general government has been consonant to the principles and spirit of the federal constitution. But so far as appropriations have been made in favor of any state or states, to the exclusion of the rest, where the appropriations would have been beneficial, and might have been extended to all alike. Your committee conceive there has been a departure from that line of policy which impartial justice, so essential to the peace, harmony and stability of the union, imperiously prescribes. Your committee then proceed to inquire whether acts of congress in relation to appropriations of public lands, have been conformable to the dictates of impartial justice.

By the laws relating to the survey and sale of the public

lands, one thirty-sixth part of them has been reserved and appropriated in perpetuity, for the support of common schools. The public lands are laid off into townships, six miles square, by lines running with the cardinal points; these townships are then divided into thirty-six sections, each a mile square, and containing 640 acres, which are designated by numbers. Section No. 16, which is always a central section, has invariably been appropriated, (and provision has been made by law for the like appropriation in future surveys), for the support of common schools in each township.

In Tennessee, in addition to the appropriation of a section in each township for common schools, 200,000 acres have been assigned for the endowment of colleges and academies. Large appropriations have also been made in Ohio, Indiana, Illinois, Mississippi, Alabama, Louisiana, Missouri, Michigan and the North-Western Territory, for the erection and maintenance of seminaries of learning, of a higher grade than common schools. Your committee have not had an opportunity of ascertaining the exact amount of those appropriations, but from such examination as they have been able to make, it is believed that they bear a smaller proportion to those for common schools, than in Tennessee. Tennessee in Seybert's Statistical Annals, is stated to contain 40,000 square miles, which are equal to 25,600,000 acres. One 36th part of this number of acres, which is the amount of appropriations for common schools, is 711,111. The appropriation for colleges and academies in that state, is as above stated 200,000 acres, being something less than two sevenths of the common school appropriation. It is believed, that the appropriations in the other states and territories for seminaries of a higher grade do not amount to more than two tenths or one fifth of the appropriations for common schools.

Your committee think they will not be far from the truth, in estimating them at that proportion.

The states and territories east of the Mississippi, which have had appropriations made in their favor, for the support of literary institutions, that is to say, Ohio, Indiana, Illinois, Mississippi, Alabama, Michigan and the North-Western Territory, are estimated in Seybert's Statistical Annals,

To contain of unsold lands,	Acres	200,000,000
Of land sold,		11,697,125
To which add Tennessee,		25,600,000

An the aggregate number of acres in those states

and territories, will be, 237,297,125

One 36th part of that aggregate number being the amount of appropriations for common schools, is,	6,591,586
Add one fifth part of the common school appropriation, as the appropriation for colleges and academies,	1,318,317

And the aggregate number of acres appropriated for the purposes of education, in Ohio, Indiana, Illinois, Tennessee, Mississippi, Alabama, Michigan and the North-Western Territory, will be, 7,909,903

At \$2 per acre, which is less according to Seybert's Statistical Annals than the average price of all the public lands which have heretofore been sold, the amount in money will be, \$15,819,806

Seybert estimates the lands purchased of France by the United States, in 1803, at, Acres, 200,000,000

By the laws relating to the survey and sales of lands in Louisiana, Missouri and Arkansas, appropriations of lands for the purposes of education have been made after the same ratio, as in the new states and territories, on the east of the Mississippi, and it is presumed the same policy will be adhered to, in relation to the whole of the public lands on the west of that river. On that supposition the appropriations for common schools, that is, one thirty-sixth part of 200,000,000 acres, will be, .. Acres, 5,555,555

Add for colleges and academies one-fifth part of the appropriation for common schools, 1,111,111

And the aggregate number of acres will be, Acres, 6,666,666 2-3

At two dollars per acre, the amount in money will be, \$13,333,333 1-3

To the aggregate number of acres appropriated for the support of literary institutions on the east side of the Mississippi, 7,999,903

Add the aggregate number of acres, which if the system heretofore followed, should be (as it ought to be) adhered to, will ultimately be ap-

appropriated to literary purposes on the west side of the Mississippi,	6,666,666 2-3
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And the total of literary appropriation in the new States and territories will be,	Acres, 14,666,569 2-3
At two dollars per acre, the amount in money will be,	\$29,153,139 1-3

Such is the vast amount of property, destined for the support and encouragement of learning in the states and territories, carved out of the public lands. These large appropriations of land, the common property of the Union, will enure to the exclusive benefit of those states and territories.—They are appropriations for state, and not national purposes; they are of such a nature, that they might have been extended to all the states; they therefore ought to have been thus extended. All the other states paid their full share for the purchase of the region west of the Mississippi, and for the extinguishment of the Indian title, on both sides of that river. Massachusetts, Connecticut, Virginia, North Carolina, South Carolina and Georgia, besides paying their proportion of those expenses, ceded all their vacant territory on the east side of the Mississippi. All these states, therefore, might with great propriety complain of partiality and injustice, if their applications to Congress for similar appropriations for like purposes should be refused. But of this refusal they need have no apprehension, if they are true to their own interests, and are united in asserting them; for, if contrary to all reasonable expectation, the states, which have already received the benefit of literary appropriations, should be opposed to the extension of them to their sister states, the latter are more than two-thirds in number of all the United States, and have a still larger proportion of representatives in Congress. These states are Vermont, New-Hampshire, Maine, Massachusetts, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, Georgia and Kentucky, and together have one hundred and sixty-nine representatives in Congress. The favored states, on the contrary, have only seventeen representatives. The excluded states have therefore an overwhelming majority in Congress, and have it completely in their power to make appropriations for the benefit of their literary institutions, upon the improbable supposition, that the representatives of the favored

states would oppose them in Congress, a supposition too dis-creditable to their character for justice, to be admitted.

The magnitude of the appropriations that would be required to place the states, which have not yet enjoyed any for the purposes of education, upon an equal footing with those in whose favor they have already been made, can afford no just ground of objection. For superior as the population of those states is, yet if the ratio of appropriation be observed with regard to them, which has been adopted in relation to the others, that is, one thirty-sixth part of the number of acres in the territory of each for common schools, and one fifth part of that one 36th for colleges and academies, the number of acres required will be much less than has already been given to the favored states and territories—it will indeed amount to but a very small portion of the public lands: for according to Seybert's Statistical Annals, those lands in 1813 amounted to 400,000,000 acres. The amount required for all the secluded states would be less than two and a half per centum, of that quantity: to show which, more clearly, your committee beg leave to submit the following statement, founded upon calculations made upon the extent of territory in each of those states, as laid down in Seybert's Statistical Annals:

New-Hampshire contains, Acres, 6,674,240

One thirty-sixth part of that extent, be-
ing the number of acres of public land,
to which that state is entitled for the
support of common schools, is, 168,728

One fifth part of that 36th to which
New-Hampshire is entitled for the
support of colleges and academies, is, 33,745

Total for New-Hampshire, Acres, 202,473

Vermont contains, Acres, 6,551,680

One thirty-sixth part for common
schools, is, 181,991

One fifth of one thirty-sixth for colleges
and academies, 36,398

Total for Vermont, Acres, 218,389

Massachusetts, including Maine, contains, 28,990,000

One thirty-sixth part for common
schools, 805,277

One fifth of one thirty-sixth for colleges
and academies, 161,055

Total for Massachusetts and Maine, Acres, 966,332

Rhode-Island contains 1,011,200 acres.

One thirty-sixth part for common
schools, 28,088
One fifth of one thirty-sixth for colleges, 5,617

Total for Rhode-Island, Acres, 33,705

Connecticut contains 2,991,360 acres.

One thirty-sixth part for common
schools, 83,093
One fifth part of one thirty-sixth for col-
leges and academies, 16,618

Total for Connecticut, Acres, 99,711

New-York contains 28,800,000 acres.

One thirty-sixth part for common
schools, 800,000
One fifth of one thirty-sixth part for col-
leges and academies, 160,000

Total for New-York, Acres, 960,000

New Jersey contains 5,324,800 acres.

One thirty-sixth part for common
schools, 144,577
One-fifth of one thirty-sixth for colleges
and academies, 28,917

Total for New-Jersey, Acres, 173,494

Pennsylvania contains 29,872,000 acres.

One thirty-sixth part for common
schools, 829,777
One fifth of one thirty-sixth for colleges
and academies, 165,955

Total for Pennsylvania, Acres, 995,732

Delaware contains 1,356,800 acres.

One thirty-sixth part for common
schools, 37,688

One fifth of one thirty-sixth for colleges
and academies, 7,537

Total for Delaware, Acres, 45,225

Maryland contains 8,960,000 acres.

One thirty-sixth part for common
schools, 248,888

One fifth of one thirty-sixth for colleges
and academies, 49,777

Total for Maryland, Acres, 298,665

Virginia contains 44,800,000 acres.

One thirty-sixth part for common
schools, 1,244,444

One fifth of one thirty-sixth for colleges
and academies, 248,888

Total for Virginia, 1,493,332

North-Carolina contains 29,720,000 acres.

One thirty-sixth part for common
schools, 825,555

One fifth of one thirty-sixth for colleges
and academies, 165,111

Total for North-Carolina, 980,656

South-Carolina contains 15,411,200.

One thirty-sixth part for common
schools, 428,088

One fifth of one thirty-sixth for colleges
and academies, 85,617

Total for South-Carolina, 513,705

Georgia contains 39,680,000 acres.

One thirty-sixth part for common
schools, 1,102,222

One fifth of one thirty-sixth for colleges
and academies, 220,444

Total for Georgia, A's., 1,322,666

Kentucky contains 32,000,000 acres.

One thirty-sixth part for common
schools, 888,888

One fifth of one thirty-sixth for colleges
and academies, 177,777

Total for Kentucky, 1,066,665

Total amount of literary appropriation necessary
to do justice to the states which have not had
any, Acres, 9,370,760

The Senate will perceive from the foregoing calculations, that if the ratio of appropriation for the purposes of education, which has hitherto been observed, be adopted with respect to the sixteen states, which as yet have received no appropriations of that nature, a much smaller number of acres will be required, than has already been assigned to the western region of our country; it would be an inconsiderable portion of the aggregate of public lands a much less quantity, indeed, than now remains unsold in any of the states, which have been formed out of them, with the exception, perhaps, of Ohio and Tennessee. The magnitude of the appropriations then, which equal justice now requires, cannot be considered as a reasonable objection to them, and as the literary appropriations that have heretofore been made, have been granted for state, and not for national purposes, according to the just principle set forth in the beginning of this report, similar appropriations ought to be extended to all the states.

The circumstance, that the lands which have heretofore been appropriated for the purposes of education, are a part of the territory of the states for whose benefit they had been assigned, can furnish no reasonable ground for the preference which has been given them.

The public lands are not the less the common property of all the states, because they are situated within the jurisdictional limits of the states and territories which have been formed out of them: such states have no power to tax them: they cannot interfere with the primary disposal of them; or with the regulations of Congress for securing the title to purchasers: it is in fact, Congress alone, that can enact laws to affect them. The interest which a citizen of an Atlantic state has in them, as a part of the property of the Union, is the same as the interest of a citizen residing in a state formed out of them.

But hitherto appropriations of them, for state purposes, have only been made in favor of such states; and the citizens on the

eastern side of the Allegheny, may well complain, that property in which he has a common interest with his fellow citizens on the western side, should be appropriated exclusively to the use of the latter. That this is a fact, in regard of that part of the public lands, which have been assigned for the support of literary institutions and the promotion of education, cannot be denied.

Your committee do not censure the enlightened policy which governed congress in making liberal appropriations of land, for the encouragement of learning in the west, nor do they wish to withdraw one acre of them from the purposes to which they have been devoted; but they think, they are fully justified in saying, that impartial justice required that similar appropriations should have been extended to all the states alike. Suppose Congress should appropriate 200,000 acres of the public lands for the support of colleges and academies in New-York; and Virginia, who gave up and ceded a great portion of those lands to the United States, on the express condition that "they should be considered as a common fund for the use and benefit of all of them, according to their usual respective proportions in the general charge and expenditure," should apply for a similar grant, and her application should be refused. Would she not have a right to complain of the partiality of such a measure, and to charge the federal government with a breach of good faith, and an infringement of the conditions on which the cession was made? It cannot be denied that she would. Congress have already made a grant of 200,000 acres of land for the support of colleges and academies, not indeed, in New-York, but in Tennessee.—Would not Virginia, if she now made an application for a like grant, and were refused, have the same reason to complain, as if New-York, instead of Tennessee, had been the favored state.

Your committee beg leave to illustrate by another example, the equity of the principle which it is the object of this report to establish. Foreign commerce and the public lands, are alike, legitimate sources from which the United States may, and do derive revenue. Foreign commerce has fixed its seat in the Atlantic states.

Suppose Congress should pass a law appropriating one 36th part of the revenue collected from foreign commerce, in the ports of Baltimore, New-York, Boston, Norfolk, Charleston and Savannah, to the support of common schools throughout the states, in which they are situated:—the other states, every person will admit, would have a right to complain of the par-

tiality and injustice of such an act. And yet in what respect would an act appropriating one 36th part of the revenue, derived from foreign commerce to the use of schools in the six states, in which it should be produced, be more partial or unjust than an act appropriating one 36th part of the public land, in Ohio, Indiana, Illinois, Tennessee, Mississippi and Alabama, the six states in which the public lands on this side of the Mississippi are chiefly situated, to their exclusive benefit in the maintenance of their schools.

Your committee are aware, that it has been said, that the appropriation of a part of the public lands to the purposes of education, for the benefit of the states formed out of them, has had the effect of raising the value of the residue, by inducing emigrants to settle upon them. Although in the preambles of such of the acts on this subject, as have preambles, the promotion of religion, morality and knowledge, as necessary to good government and the happiness of mankind, have been assigned as the reason for passing them, and no mention has been made of the consequent increase in the value of the lands that would remain, as a motive for the appropriation, yet the knowledge, that provision had been made for the education of children in the west, though other motives usually influence emigrants, might have had its weight in inducing some to leave their native homes. If such has been the effect, the value of the residue of the lands has no doubt been increased by it. This increase of value, however, has not been an exclusive benefit to the Atlantic states; but a benefit common to all states, eastern and western, while the latter still enjoy exclusively the advantage, derived from the appropriations of land for literary purposes. The incidental advantage of the increase in value of the public lands, in consequence of emigration, if it is to be considered in the light of a compensation to the old states, must be shown to be an advantage exclusively enjoyed by them. That this, however, is not the case is perfectly obvious—because the proceeds of the lands, thus raised in value by emigration, when sold, go into the United States Treasury, and are applied, like other revenues, to the general benefit—in other words, to national and not to state purposes. It is moreover most clear, that this increase of the value of lands in consequence of emigration, produces a peculiar benefit to the inhabitants of the new states, in which the inhabitants of the other states, unless owners of land in the new, have no participation. This benefit consists in the increase of the value of their own private property.

On the other hand, it is undoubtedly true, that emigration is injurious to the Atlantic states and to them alone. While it has had the effect of raising the price of lands in the west, it has, in an equal ratio at least, and probably in a much greater prevented the increase of the value of lands in the states which the emigrants have left. It is an indisputable principle in political economy, that the price of every object of purchase—whether land or personal property, depends upon the relation, which supply bears to demand. The demand for land would have been the same or very nearly so, for the same number of people, as are contained within the present limits of the United States, if they had been confined within the limits of the Atlantic States. But the supply in that case would have been most materially different. It must have been so small in proportion to the demand, as to occasion a great rise in the value of land in the Atlantic states; for it cannot be doubted, that it is the inexhaustible supply of cheap and good land in the west, which has kept down the price of land on the eastern side of the Allegheny. If the Atlantic states had been governed by an exclusive local and selfish policy, every impediment would have been thrown in the way of emigration which has constantly and uniformly operated to prevent the growth of their numbers, wealth and power; for which disadvantage the appreciation of their interest in the public lands consequent upon emigration can afford no adequate compensation. It appearing then perfectly clear to your committee, that emigration is exclusively advantageous to the new states, whose population, wealth and power, are thereby increased at the expense of those states which the emigrants abandon, the inducement to emigration furnished by the appropriation of public lands for the purposes of education in the west, instead of affording a reason for confining such appropriations to that quarter of the union, offers the most weighty considerations of both justice and policy, in favor of extending them to the states which have not yet obtained them.

Your committee beg leave to present one further reflection to the consideration of the Senate, drawn from the effect produced by encouraging learning in the western states alone, upon the relative moral power of the Atlantic and Mississippi states.—They are far from wishing to make any objection to the augmentation of the intelligence and mental improvement of the people of the west. On the contrary they sincerely desire the advancement of their brethren in that quarter of the union, in everything that can strengthen, dignify and em-

bellish political communities; but while they entertain these sentiments they cannot shut their eyes to the political preponderance which must ultimately be the inevitable result of the superior advantages of education there, and they must therefore ardently desire that the same advantages be extended to the people of the Atlantic states. Your committee are persuaded, that from the views which they have thus presented, on the subject of appropriations of public lands for the purposes of education, the Senate will be satisfied that Maryland and the other states, which have not yet had the benefit of any such appropriations, are entitled to ask of the general government to be placed on an equal footing with the states which have already received them—they believe that no one convinced of the justice of such a measure, can question its expediency nor can they entertain any apprehension that an application to Congress, supported by the combined influence of all the states which are interested, would fail of success. For the purpose, therefore, of drawing the attention of the national legislature to this important subject, and of obtaining the co-operation of the other states, your committee beg leave to recommend the adoption of the following resolutions:

Resolved, By the General Assembly of Maryland, That each of the United States has an equal right to participate in the benefit of the public lands, the common property of the union.

Resolved, That the states in whose favor Congress have not made appropriations of land for the purposes of education, are entitled to such appropriations as will correspond, in a just proportion with those heretofore made in favor of the other states.

Resolved, That his Excellency the Governor, be requested to transmit copies of the foregoing report and resolutions, to each of our Senators and Representatives in Congress, with a request that they will lay the same before their respective Houses, and use their endeavors to procure the passage of an act to carry into effect the just principles therein set forth.

Resolved, That His Excellency the Governor, be also requested to transmit copies of the said report and resolutions, to the Governors of the several states of the union, with a request that they will communicate the same to the legislature thereof, respectively, and solicit their co-operation.

All of which is respectfully submitted.

V. MAXEY, Chairman.

To the Assembly Recommending the Enactment of
a Law Requiring Officers of the State Government
to Give Bonds for the Faithful Performance of their
Duties, With a List of Officers.

Gentlemen,

I HAVE THOUGHT IT PROPER TO SUBMIT TO
to the consideration of the legislature, whether
it would not be advisable to pass a general law on
the subject of bonds with surety, for the faithful dis-
charge of their official duties, by all those who hold ap-
pointments under the government, with the exception
of those who hold judicial appointments. Some officers,
according to long established usage, are required to
give bond with approved security, without any ex-
press provision of law authorising it, and many are
permitted to hold their appointments without giving
bonds, because they are not required by law, nor sanc-
tioned by precedent. Some of this latter class appear
to be of that description, in which bonds with ample
security would be peculiarly proper and necessary. It
has appeared to me that a general law on the subject,
designating particularly, all the officers who should
give official bonds, the mode and manner of taking
them and graduating the amount according to the im-
portance of the office, would have a beneficial effect,
both as regards the convenience of the government,
and the faithful execution of the law. I would also
submit, whether in such an act it would not be proper
to have provision made for the indemnification of such
individuals as might suffer through the palpable neg-
lect or malfeasance of officers.

To place the subject more distinctly within the view
of the legislature, I have annexed a list of officers, des-
ignating those who are by law required to give bonds,
those who are required to do so in conformity with long

established usage, and those from whom none are required either by law or usage.

JOSEPH HIESTER.

Harrisburg, March, 1821.

A list of officers in the appointment of the Governor who are required by law to give bonds, with sureties; also of those from whom bonds are taken according to usage; together with such as are not required to give bonds by law or usage.

First Class of Officers.

Secretary of the Commonwealth to give bond, himself in £1,000, and two sureties in £500 each—See vol. 3, Smith page 8.

Sheriffs and Coroners, to give bonds and enter into recognizances—See 4th volume Smith—page 46.

Recorder of Deeds, ditto—See 1st volume Smith—pages 424-5 and 444.

Registers of Wills, ditto—1st ditto—page 444.

Notaries Public, ditto—the officer in £600, and two sureties in £300, each—See 3d volume Smith—page 7.

Secretary of the Land-Office, and

Surveyor-General, to give bond, with one or more sufficient sureties in £10,000—See 1st volume—page 530.

Auditor-General of accounts, ditto—with two or more sufficient sureties in \$5,000—See 5th volume—page 238.

Auctioneers, ditto—with sureties in £2,000—See 2d volume Smith—page 520.

Escheator-General, ditto—with sureties in £2,000—See 2d volume—page 430.

Two Gaugers and Inspectors of domestic distilled spirits, each to give bond, with sureties in \$2,000—See act of the 14th of March, 1814, 6th volume—page 100

Armors, and keepers of the arsenals at Philadelphia, Harrisburg and Meadville, to give bond with sureties, in £10,000 each—See act of the 15th of March, 1816—original laws, page 140.

Prothonotary's of the Supreme Courts in the several districts, to give like bonds as the prothonotary of the Supreme Court—See 4th volume Smith—page 271.

Superintendent of the Gunpowder magazine—See 2d volume Smith—page 466.

Harbor-Master—See act of the 29th of March, 1803—volume 4th Smith—page 72.

Second Class of Officers.

Prothonotary, Clerk of the Orphans Court, Clerk of the Courts of Oyer and Terminer, and Jail Delivery, and of the Court of General Quarter Sessions of the Peace—according to usage, a bond is taken from each of these officers, in \$4,500.

Prothonotary of the District Court of the city and county of Philadelphia—same sum.

Prothonotary of the Supreme Court, \$4,000 according to usage.

Clerks of the Mayor's Courts, \$4,500, ditto.

Third Class of Officers—Who give no bonds.

Attorney-General.

Master, and Assistant Wardens of the port of Philadelphia.

Port Physician.

Lazaretto Physician.

Quarantine Master.

Health Officer.

Inspectors of Flour.

of Lumber.

of Staves and Heading.

of Salted Provisions.

of Butter and Hogs-Lard.

of Ground black oak Bark.
 of Gunpowder.
 of Salted Fish.

Measurer of Corn, Salt, Lime and Coal.

Register of German passengers.

Interpreters of Foreign Languages.

Keeper of Weights and Measures.

Sealer of Dry Measures.

To the Assembly Transmitting Certain Documents.

Gentlemen,

I HEREWITH LAY BEFORE YOU COPIES OF A letter from the Governor of the state of Illinois, covering sundry resolutions passed by the legislature of that state, relative to proposed amendments to the constitution of the United States; also copies of a summary of the York and Maryland line turnpike company, as attested by the secretary of the said company.

JOSEPH HIESTER.

March 26, 1821.

DOCUMENTS.

Executive-Office, Vandalia, February 5th, 1821.

Sir—I have the honor herewith to transmit to your Excellency certain resolutions of the general assembly of the state of Illinois.

I have the honor to be, Sir,

Your most obedient servant,

J. BOND.

His Excellency the Governor of Pennsylvania:

1. Resolved, By the people of the state of Illinois, represented in the general assembly, That they do concur in the amendment to the constitution of the United States, proposed to the consideration of the several states by the state of Pennsylvania, which is as follows, to wit: "Congress shall make no law to erect or incorporate any bank or other monied institution, except within the district of Columbia; and every bank or monied institution which shall be established by the au-

thority of congress, shall, together with its branches and offices of discount and deposit, be confined to the district of Columbia."

2. Resolved, That they do also concur in the amendment to the constitution of the United States, as proposed by the state of Vermont, which is as follows, to wit: "That for the purpose of choosing representatives in the congress of the United States, each state shall, by its Legislature, be divided into a number of districts, equal to the number of representatives, to which such state shall be entitled: the district shall be formed of contiguous territory, and contain as nearly as may be, an equal number of inhabitants, entitled by the constitution to be represented in each district, the qualified voters shall elect one representative, and no more. That for the purpose of appointing electors of President and Vice President of the United States in each district entitled to elect a representative in the Congress of the United States, the persons qualified to vote for representatives shall appoint one elector, and no more: the additional two electors to which each state is entitled, shall be appointed in such manner as the legislature thereof may direct. The electors when convened, shall have power, in case any of them appointed as above prescribed, shall fail to attend for the purposes of their said appointments on the day prescribed, for giving their votes for President and Vice President of the United States, to appoint another or others to act in the place of him or them so failing to attend.

Neither the districts for choosing representatives, nor those for appointing electors, shall be altered in any state until a census and apportionment of representatives under it subsequent to the division of the state into districts shall be made. The division of the states into districts hereby provided for, shall take place immediately after this amendment shall be adopted and ratified as a part of the constitution of the United States, and successively immediately afterwards, whenever a census and apportionment of representatives under it shall be made: the division of each state into districts for the purposes both of choosing representatives and appointing electors, shall be altered agreeably to the provisions of this amendment, and on no other occasion."

3. Resolved, That it is necessary and inexpedient so to amend the constitution of the United States, "That no law varying the compensation of the members of the congress of the United States, shall take effect until the time for which the members of the House of Representatives of that Congress

by which the law was passed, shall have expired," as recommended by the Legislature of the commonwealth of Kentucky.

4. Resolved, That our senators and representatives in the Congress of the United States, be requested to use their exertions to procure the adoption of the two first proposed amendments, and that they use their influence to prevent the adoption of the latter.

5. Resolved, That his excellency the governor of this state be requested to transmit copies of the foregoing resolutions to each of our senators and our representative in the congress of the United States, and also to the executives of the several states, with a request that they lay the same before the legislatures thereof, soliciting their co-operation in effecting the objects contemplated by the said resolutions.

Proclamation of the Election of John Findlay and Thomas Murray, Jun'r., as Representatives of Pennsylvania in the United States Congress.

Pennsylvania, ss:

[Signed] Jos. Hiester.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By JOSEPH HIESTER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, by returns duly made by the judges of special elections held in the fifth and ninth congressional districts, the former composed of the counties of Cumberland, Franklin, Adams and Perry, and the latter composed of the counties of Northumberland, Union, Columbia, Luzerne, Bradford, Susquehanna, Lycoming, Tioga, Potter and McKean, in this Commonwealth, on Tuesday the ninth day of October instant, in pursuance of writs issued by me on the ninth

day of July last, under the authority of an act of the General Assembly, passed the eighteenth day of February in the year one thousand eight hundred and five, it appears that John Findlay and Thomas Murray, Junior, were duly elected to serve as Representatives of this State in the House of Representatives of the United States, to supply the vacancies occasioned, in the fifth district by the resignation of James Duncan, Esquire, and of his appointment to, and acceptance of, the office of Auditor General of accounts of this Commonwealth; and in the ninth district by the resignation of William Cox Ellis, Esquire: And Whereas, in and by one other act of the General Assembly, passed the twentieth day of March, one thousand eight hundred and twelve, it is provided "that the Governor, having received the returns of such elections, shall declare by proclamation the name or names of the person or persons to him returned as duly elected in each respective district:" Now therefore, I have issued this proclamation, hereby publishing and declaring that the said John Findlay and Thomas Murray, Junior, are duly elected and chosen representatives of this State in the House of Representatives of the United States, during the remainder of the time for which the said James Duncan and William Cox Ellis were elected to serve.

Given under my hand and the Great Seal of the State at Harrisburg this thirtieth day of October, in the year of our Lord one thousand eight hundred and twenty-one, and of the Commonwealth the forty-sixth.

By the Governor.

Andrew Gregg, Sec'y.

Annual Message to the Assembly, 1821.

Fellow Citizens.

THE PERIOD HAVING ARRIVED, DESIGNATED by the constitution for the annual assemblage of the representatives of the people, to deliberate on the concerns of the commonwealth, and perform the sovereign functions of legislation, it is pleasing to indulge in the reflection, that it takes place under circumstances which ought to inspire our hearts with gratitude for the past, and fill our minds with hopes for the future.

The relationship in which we stand to the general government, and the deep interest we have in all its destinies, must lead us to view with a degree of pleasure, proportioned to the magnitude of the object, every measure that tends to promote the general prosperity of the country. With peace abroad and peace at home, resting perfectly secure in the enjoyment of their civil and religious rights and privileges, under a government of their choice, the people of the United States exhibit an illustrious proof of the excellence of their constitution, which while it secures their independence as a nation, guarantees a republican form of government to each of the states composing the union.

Restricting our views within the limits of Pennsylvania, we can also readily perceive abundant cause for mutual congratulation. A luxuriant harvest has filled the land with plenty. The metropolis of the state, and our cities and towns generally, have escaped the ravages of pestilential disease; and although some districts have been partially afflicted with sickness, our grateful acknowledgments are due to the bountiful giver of all good, that its steps have not been marked with malignity or violence, and that health, the choicest of all earthly blessings, is now restored to the land.

From the growing spirit of the manufacturing inter

est in our principal city and adjacent country, it appears from the best information I have received, that the employment afforded by this branch of industry has had a sensible effect in decreasing the causes of pauperism in that section of the state. The employment furnished to the laboring part of the community by the public improvements lately carried on, and which are still progressing, induces a belief that distress has also diminished in other districts. Want of employment produces habits of idleness, and idleness is often a fruitful source of vice; happily however for humanity, crimes have not been permitted to increase with our population. Information derived from correct sources, establishes the fact, that prosecutions for public offences in the state collectively, are on the decline. While also the continued decrease of suits affords further evidence of the diminution of individual distress; the reduction of fees, formerly exacted by public officers, which bore so heavily on the poor and unfortunate, the laudable retrenchments in the expenses of living, and the observance and practice of those wholesome lessons of economy, equally essential to public and private prosperity, will, it is hoped, have an influence in its alleviation and gradual removal; and happy shall I be in the exercise of executive functions, to co-operate in every measure consistent with the public good, which may tend still farther to afford relief.

Among the first duties which call for legislative attention none is of more importance than the election of a senator to represent the commonwealth in the Senate of the United States. The term of service of one of our senators having expired on the 4th of March last, the public interest requires that the vacancy be supplied with the least possible delay.

The various constitutional duties devolving on the executive, with those also prescribed by acts of the legislature, have received that due and prompt attention which their importance demanded.

The extensive calls for money, to which it was known the treasury would be subject, towards the conclusion of the last session, rendered it necessary to apply for a loan of \$50,000, being a balance of a loan of 150,000 dollars authorised by an act passed on the 28th day of March, 1820. The money was obtained from the bank of Philadelphia, agreeably to the terms specified in the law.

Under two acts of last session, commissioners were appointed to review, and either approve the one already chosen, or to select a new site for the seat of justice in Perry county, and to view and lay out a road from Berrysburg, in Dauphin county, through Gratztown, to Reading. That service has been performed, and the reports of the commissioners in both cases, are filed in the office of the secretary of the commonwealth.

In compliance with the directions of a resolution, passed on the 2d day of April last, I addressed a letter to the Governor of the state of New York, covering a copy of the resolution and the preamble on which it was predicated. Copies of that letter, and an answer to it by the Governor of New York, are herewith transmitted.

A duty enjoined on the executive by an act of the last session, requiring him to procure on loan, the money necessary for the commonwealth, has been performed, and stock has been issued for the amount, at an interest of five per cent. per annum, and reimbursable in twenty years, from the first of June last.—Nine hundred thousand dollars of this loan was obtained from three of the old city banks, in whose capital stock the state has an interest of two million, one hundred and eight thousand seven hundred dollars; and the remaining hundred thousand dollars was subscribed by the bank of North America.

Among the disbursements of public money for pub-

lic improvements, authorised by acts of the last and former sessions, \$577,259,29, exclusive of appropriations for the state capitol and the penitenitaries at Pittsburg and Philadelphia, have been paid since the first of December, 1820, on warrants and orders to incorporate companies, the individuals of which had in many cases, involved their personal responsibility, and to contractors and workmen, who had bestowed their labor towards the completion of works, in which the public were deeply interested; and \$25,081.37 have been retained by the state treasurer, to await the settlement of existing disputes betwixt certain companies and individual contractors and laborers, agreeably to the provisions of the state, passed on the 26th of March last.

From the disbursements already made, the stock of the commonwealth has received a considerable accession; and when the various improvements for which public money has been appropriated, shall have been completed and paid for, the interest of the state in property of this description, will exceed two million of dollars. This expenditure of public money arises from acts of the legislature, whose liberality in encouraging internal improvement, has been uniformly manifested since the foundation of the government, continuing to increase in a due proportion with individual enterprize, and the ability of the state. Much has already been done in this respect, but not more than public sentiment called for; and the representatives of the people deemed the resources of the commonwealth adequate to support. Permanent bridges have been erected over our principal rivers and streams; and nearly two thousand miles of turnpike road have been completed, extending in every direction, thereby facilitating the transportation of produce to market, adding to the convenience and comfort of travelling, and promoting the general interest of the

state, by a more intimate connection of its various parts. When the different roads for which appropriations have been made, shall have been finished, Pennsylvania will present an extent of artificial roads, not surpassed, perhaps not equalled, by any of her sister states.

A statement of the proceedings in the case of the Union Canal, will, I expect shortly be submitted by the commissioners appointed to attend to that business on the part of the commonwealth. The favorable report of a distinguished engineer employed to arrange the plan of the work and superintend its prosecution, and the zeal and industry of the managers elected by the stockholders to conduct the concerns of the company, furnish an earnest of success in the undertaking, and the terms on which they have been enabled to dispose of the tenth class of the lottery, is such an assurance as to remove every apprehension of a call upon the state for its guarantee of the interest on the stock subscribed by individuals. A spirit in favor of water communication is now manifesting itself so forcibly in every direction, that I feel, as if a hope, long indulged, would now soon be realized, that Pennsylvania would become what nature seems to have intended, the great leading avenue betwixt the Lakes and the Atlantic.

The sense of Pennsylvania has often been expressed in favor of domestic manufactures, and the same reasons which gave rise to the opinion are still in force. A reliance principally on our own resources, is the surest foundation for the establishment of national independence. The improvements in labor saving machinery, and the growing skill of those engaged in the business of manufacturing, afford ground to believe, that by a very moderate encouragement, our state would soon furnish an ample supply of the manufactures of cotton, iron, glass, leather, and many other fabrics of necessary consumption, not only for the use

of our own citizens, but a surplus also to be added to the list of our exports.

Agriculture, as the real source of our wealth, has a permanent claim on the government for every means it can furnish, to alleviate the labor and add to the comfort of those engaged in that important and honourable occupation. It is respectfully submitted to the consideration of the legislature, whether some measures might not be adopted, to aid the exertions and stimulate the enterprize of these two useful and meritorious classes of citizens.

The people have wisely confided to the legislature the control over, and disposition of the public treasure; and so long as the depositaries of this high trust continue to act the part of faithful guardians, they will avoid every measure calculated to involve the necessity of taxation either immediately or remotely. Governed by the just principles of economy and prudence, they will never expend the public money for the public good, nor make appropriations for objects that are not of public utility.

The finances of the commonwealth as exhibited by the Auditor General in a statement herewith transmitted, being an abstract of the annual report of that officer to the legislature as directed by law, appear to be in an improving condition. The receipts at the treasury have increased beyond the estimate made by the late Auditor General, during the last session, while the expenditures have decreased. On comparing this statement with that of the preceding year, the difference in the aggregate will be found to exceed \$45,000; and unless the receipts at the treasury during the ensuing year, derived from permanent sources, should be greatly affected in their amount by unlooked for causes, the increased gain in the revenue compared with that of 1820 may be calculated at \$75,000, affording ample means for the payment of interest on all the loans, and

the discharge of all the ordinary and contingent expenses of government, without having recourse to any kind of taxation. The wise and wholesome laws reducing the salaries of public officers, and the wages of the members of both branches of the legislature have contributed largely in producing this happy result.

The payments at the treasury, on account of purchase money and interest due on lands, have also increased during the last year. Should this class of debtors avail themselves of the terms presented to their acceptance by acts of assembly, for patenting their lands, this source of revenue may be expected to improve, unless the estimated arrearages have been greatly over-rated.—The annual interest on these arrearages which, according to former statements amount to \$3,000,000, would alone, if promptly paid, constitute a fund adequate to the extinguishment of the whole debt of the commonwealth in less than twenty years, without impairing the principal.

To the stock which the state possesses in various bridge and turnpike road companies, it may look with confidence as a source of future revenue, when these objects of improvement shall be fully completed. We have had experience sufficient to induce a belief that many of them will yield a reasonable interest on the invested capital. It may however, hereafter, become a question, whether it would not be wise policy to adopt some regulation, by which tolls might either be gradually abolished, or so reduced as but lightly to affect carriages engaged in transporting the productions of the country. But until this is found advisable and practicable, some more efficient measures may be necessary to protect the interest of the state in property of this kind.

The extensive territory of the state; her great increase of population since the last census; the number and variety of her internal improvements and public institutions; the growing attention bestowed on the

education of youth; the independence of her judiciary; the abundance of her financial resources; the exemption of her citizens from any oppressive system of taxation; her regulations requiring those who live by the public, to contribute to the support of the public burthens; her improvements in agriculture and manufactures; the wealth and commerce of her metropolis, are all subjects of pleasing reflection to her own citizens, and cannot fail to operate as inducements to emigrants to settle on her unoccupied lands, of which there still remain a considerable portion, principally in those districts contiguous to her northern and western boundaries.

In a government like ours, essentially dependent for its efficacy, on public opinion, the diffusion of knowledge to enlighten public opinion, should be considered an object of primary importance. To regulate, multiply and strengthen the sources of education, as the best means for the dissemination of knowledge, ought therefore to be the duty, as it must be the delight of every virtuous and enlightened legislature. Under the influence of this sentiment, and in pursuance of the constitutional injunction, the assembly has from time to time bestowed partial endowments on various seminaries of learning. In some parts of the state, the meritorious diligence of private citizens, combining with well directed measures of former legislatures, have placed education within the reach of all who are willing to receive it: For the establishment of schools in which the terms of tuition are greatly reduced, and in which those who are not able to meet the expense are taught gratuitously, the citizens of Philadelphia stand pre-eminent. Their schools, established under different acts of assembly, on the Lancasterian system of education, are, at this time, preparing for future usefulness, five thousand three hundred and sixty-nine scholars, many of whom would otherwise be permitted

to grow up in ignorance, and become a prey to those vices of which it unfortunately is so fruitful a source.

This plan of education in Philadelphia is a valuable addition to the number of those useful literary and benevolent institutions, which adorn our metropolis, and distinguish it as the seat of science and nursery of the arts. The philanthropy and zeal manifested by the individuals who preside over and superintend the numerous institutions established in that city, for the promotion of instruction and alleviation of distress, without any inducement but the public good, and for no other reward than the smiles of an approving conscience, entitle them to the warmest feeling of public gratitude.

From the great success attending the introduction of the Lancasterian system of education in the first school district, embracing the city and county of Philadelphia, and the representations made to me of its being equally successful in some of our sister states, I think it worth the experiment being attempted in other sections of the state, as far as it could be adapted to the peculiarities of their respective situations and circumstances.

By a well timed arrangement, lately consummated by the trustees of Dickinson College, in pursuance of an act of assembly authorising the measure, that institution is about being resuscitated under auspices indicating a bright prospect of future usefulness.

The information from the University in Philadelphia, from the colleges in the western section of the state, and from several of the academies endowed by legislative grants, presents a favorable view of education in these institutions, as far as respects the qualification of teachers, and the taste of youth for improvement in science, but those who are entrusted with their direction unite in deploring the inadequacy of their funds, to make a suitable provision for a competent number of professors.

In the various acts for the establishment of academies, it appears to have been the intention of the legislature, that they should be as nurseries, where youth, aspiring after literary attainments, might be prepared for entering on a course of collegiate education to greater advantage. Some of those endowed by legislative grants are represented as being conducted in a manner correspondent with the design of their institution; but in many cases the money granted for their establishment has been expended in the erection of buildings, and thus the managers, being left without funds, other than derived from tuition are unable to employ teachers superior in qualifications to those engaged in common schools.

As an auxiliary fund for the support and extension of education, I would respectfully refer to a report and sundry resolutions of the state of Maryland, communicated by message to your predecessors at the last session. These resolutions having for their object the establishment of an equitable claim, which it is presumed, the original states have to a just proportion of public lands for the support of schools, are clothed with a character of such serious importance, and so interesting to the state, that they will of course become a subject of your deliberation. Several other states are now engaged in their discussion, and in New-Hampshire they have received a final decision, a copy of which, with the reasons advanced in favor of its adoption, will be found in the documents accompanying this message.

A well regulated militia being acknowledged the surest safeguard of a nation, and a nation's rights, that subject will again invite the attention of the legislature. Notwithstanding the judicious arrangements and many excellent provisions in the act of last session, it is believed a revision would lead to some alterations that might be adapted to advantage. Experience

teaches us that military knowledge is but little improved by parade and training, as is commonly practised, and the time and expense of attending is a serious inconvenience to many individuals, I would therefore respectfully suggest, whether one of the days appointed for training might not be dispensed with. In my opinion, that system in time of peace will be found best, which imposes the fewest burdens on the people, and requires the least expenditure of money.

Contemporaneous with the act of last session, a spirit of forming volunteer associations has sprung up to an extent, to which neither the annals of this, nor is it believed, any other state, can furnish a parallel. This military ardor of the youth of the country, while it is a noble display of the patriotic motives which have influenced their conduct, is a pledge to the state of the strength and excellence of the force, on which it can rely in case of emergency. Commissions have already issued for one hundred and seventy-one companies, all certified by the proper authority to contain the number of men required by law, and to be uniformed and equipped agreeably to its directions. Many of these companies have been furnished with arms, but there are many applications remaining unsatisfied, the arsenals not containing a sufficient supply in a state of repair fit for distribution. The ordnance department is particularly defective in pieces adapted to field service. A revision of the system is therefore recommended, particularly as respects the repairing safe keeping and distribution of the arms on hand, and in rendering the supply adequate to the demand.

The Judiciary, one of the most important branches of the government, is always entitled to the greatest consideration. The system has already undergone various changes in Pennsylvania, but complaints of its imperfections still exist. Experience proves that great innovations are often attended with danger, and

it is, no less true, that it is equally difficult to remedy defects as it is to introduce improvements.

By the 12th section of an act passed on the 22d of April, 1794, it is made the duty of the court before whom any convictions take place of persons charged with offences, made punishable by confinement in the penitentiary at Philadelphia, to transmit to the inspectors of the penitentiary, a report or short account of the circumstances attending the perpetration of the offence; a duty which our judges, with few exceptions, have hitherto omitted. This is certainly a wise provision, and its salutary influence might in my opinion be usefully extended, by making it the duty of the court to furnish the executive with a duplicate of the report. —Such a document would always be considered of the first importance, by whoever may be entrusted with the exercise of the pardoning power.

The exercise of executive discretion should always be limited by law, as far as the nature of the case, in which he is called upon to decide will permit. The first section of the sixth article of the constitution declares “that vacancies in either of the offices of sheriff or coroner, shall be filled by a new appointment to be made by the governor,” but does not declare what constitutes that vacancy, nor is it defined by any law. My attention has been called to this subject in consequence of a representation from the county of Pike, the sheriff of which, by departing to a foreign country, has absented himself from the county for upwards of nine months to the injury of many individuals, the delay of public business and the impediment of the administration of justice. Whether this is a subject that requires legislative interpretation, or calls for a general law defining what shall constitute a vacancy in office, is submitted to your judgment. I have also thought it my duty to notice the defects of the laws respecting the bail of sheriffs, and the mode of taking security from

them. By the sixth section of the act of the 28th of March, 1803, it is enacted "that whenever a vacancy shall happen in the office of sheriff or coroner, which is to be filled by a new appointment in the manner prescribed by the first section of the sixth article of the constitution of this commonwealth, the person about to apply so to be commissioned, shall enter into a recognizance and give an obligation with sureties to be approved by the governor in manner aforesaid, for a sum proportioned to the time for which the commission is to be granted." Now it may happen, that the person appointed will be commissioned for so short a period, that if the sum can be proportioned to the time for which the commission is granted, the amount will be by no means adequate for the security of the trust. I also submit to your consideration whether the time allowed for the institution of suits on the obligations and recognizances of the sureties of these officers might not be enlarged with advantage to the public, and without imposing on these individuals, a greater degree of responsibility and inconvenience than they ought to sustain.

Connected with this subject, is the recommendation, communicated by message at the last session, respecting the fixing and graduating in one general law, the amount of official bonds, including every officer who receives public monies, or exercises duties of important trust, excepting those in the judiciary and militia. In some cases there exists no provision by any express law for taking bonds and in others the penalty does not appear to be apportioned to the importance of the trust. The early and strict accountability of all agents, in the receipt and expenditure of public money, is an object of great public concern, and calls for all the restraints which the law can enforce, without severity.

Next to the importance of good laws, is their faithful execution and ready observance; but unless laws

are known, obedience cannot be yielded, and the unwary may sometimes suffer through their innocent ignorance. The delay incident to the printing and distribution of the pamphlet edition of the laws has long been a subject of complaint, and some regulation for their more early promulgation, has been long and earnestly desired. It is a matter worthy of consideration whether the evil might not in some measure be removed, by making it the duty of the Secretary of the Commonwealth, to transmit to every prothonotary, a printed copy of every law of general nature, immediately on its passage, to be disposed of in his office, in such way as best to answer the purpose of general information.

It is well known that a large portion of the population of Pennsylvania is composed of Germans, some of whom understand no language but the German, and many are so imperfectly acquainted with the English, as to labor under serious inconvenience for the want of an edition of the laws in the German language. Was a portion of the pamphlet edition to be printed in that language, it would be highly beneficial to that important class of the community, and be attended with but little expense to the state.

As a general regulation, the publication of all laws of a general character in the English and German newspapers, or so many of them as may be necessary for the purpose, would afford a useful medium of information to the citizens at large.

Agreeably to the acts providing for the enumeration of the taxable inhabitants and slaves within this commonwealth, and also of that interesting portion of society who have had the misfortune to be born deaf and dumb, there have been transmitted to me by the commissioners of several counties, duplicate lists of the returns of assessors, in conformity with the directions of

said acts, which I shall lay before you, as soon as the returns are received from the remaining counties.

The pensions allowed to the officers and soldiers of the revolutionary army, is at once an evidence of their merit, and a proof of the liberality of the state in granting them. It cannot be long until this worthy class of citizens will "be gathered to their fathers" and the fund appropriated for this honorable purpose, amounting nearly to \$20,000 per annum, will then revert to the state. In case of the death of such as may be entitled to arrears every facility should be afforded their surviving friends, to receive such part as may have accrued at the time of their decease. With a view of removing every impediment out of the way of their receiving payment, I would suggest to the legislature the propriety of passing a law, making it the duty of the respective registers to grant letters of administration, without any fee or charge whatever, to the widow or heirs of such as may die intestate.

Since the rising of the last legislature, the commissioners of the city and county of Philadelphia, have complied with the provisions of the act of the 20th of March, 1821, by securing to the commonwealth the payment of \$50,000, being the purchase money of the Arch street prison, in three equal annual instalments, one of which amounting to \$16,666 66 1-3, will become due on the first day of January next. In pursuance of the directions of the said act, the commissioners appointed for the purpose, have purchased ten acres and ninety seven perches of ground for eleven thousand five hundred dollars, as a site for the new penitentiary provided for by that law, and a warrant has been drawn in their favor, on account of the appropriation made for that object.

The building for the penitentiary near Pittsburg is progressing as rapidly as the nature of such an undertaking will admit. A strong expectation has been ex-

pressed by some of those engaged in its construction and superintendence, that it will be ready for the reception of convicts during the ensuing year. When completed it will, to a certain extent, diminish the expense to which the state has been subjected by the removal of convicts from the remote western counties to Philadelphia, and will, on the introduction of the new system of solitary labor, in the opinion of many, whose minds have long dwelt on the subject of criminal jurisprudence, have a powerful effect in checking the progress of vice, and commission of crime.

The State Capitol, for causes beyond the control of the architect, has not been completed in time to receive the legislature at the opening of the present session. Judging, however, from present appearances there can be no doubt but that the building will be finished in a few weeks, and that in the arrangement of its apartments, it will be found fully to answer all the purposes of its original design.

As guardians of the public weal, the representatives of the people can never observe too much vigilance in examining the monied concerns of the treasury. Was the legislature, at each annual session, to act in conformity with this principle, and appoint a joint committee of both houses for this purpose, it might frequently happen to be attended with beneficial consequences to the state, and always operate as an additional restraint on the conduct of the officers, to whom the receipt and payment of the public money have been confided.

I am persuaded, Gentlemen, that all our views are directed to the general welfare, and that all our energies will be exerted towards its promotion.

I trust also that your deliberations will be conducted with that spirit of harmony, always necessary to the beneficial dispatch of public business, so that, by early arriving at the period of your labors, you will have the

pleasure of accelerating your return to your homes, your families and your business; and also of lessening the public expense: And I beg you to rest in the most perfect assurance, that I shall always cheerfully co-operate in every measure, calculated to promote economy, and the common good of that country so dear to us all.

JOSEPH HIESTER.

Harrisburg, December 5, 1821.

DOCUMENTS.

Commonwealth of Pennsylvania.

Harrisburg, June 18th, 1821.

Sir—I have the honor of enclosing herewith a preamble containing sundry statements, with a resolution predicated thereon, passed by the legislature of this state at its last session. Your excellency will readily perceive the propriety and importance of remedying the inconveniences complained of, as far as your official authority will warrant an interference on your part. It will be essential to the comfort as well as the interest of the inhabitants of both states, on these waters, that mutual convenience should be consulted, and local jealousies kept down.

With considerations of the highest respect,

I have the honor to be,

Your Excellency's most obedient servant,

JOSEPH HIESTER.

His Excellency De Witt Clinton, Esq., Governor of the state of New York.

Albany, 5th September, 1821.

Sir—I had the honor to receive a letter from your excellency enclosing certain proceedings of the legislature of Pennsylvania, relative to obstructions in the Allegheny river, and Oswego creek, whereby many of the citizens of that commonwealth are seriously injured.

I enclose a copy of an opinion of the Attorney General of this state on this subject, by which it will appear that there is an ample remedy for the grievances complained of and that the citizens of your state may have complete redress, by appealing to our tribunals of justice.

Whatever aid I can render in promoting the comfort and prosperity of your fellow citizens, in this or any other respect, will be done with great satisfaction; and I pray your excellency to inform me at some convenient time, whether any measures have been taken conformably to the views of the attorney-general, and whether they have been attended with the desired success.

I have the honor to be,

With great respect,

Your Most obedient servant,

DE WITT CLINTON.

His Excellency Governor Hiester.

Albany, 14th July, 1821.

Sir—I have the honor to acknowledge the receipt of your note enclosing a resolution passed by the legislature of Pennsylvania, and requesting my opinion on the following points:

1st. Whether the erections mentioned in that resolution were authorised by law?

2d. Whether there are any, and what existing legal provisions to remedy the evils complained of?

On the first point, I am of opinion that the erections mentioned, are not authorised by law.

By an act of the legislature of this state, passed 31st March, 1807, (and substantially re-enacted in 1813), the streams mentioned in the resolution, are declared to be public highways, as far as they run within this state, and all persons are forbidden, under certain penalties, to obstruct the navigation of them by erecting or building any mill-dam, wier, or other work, &c., provided that if the persons who shall, or have erected a dam, &c., on the said streams, shall cut a sufficient canal through such dam, or shall so construct the same as not to injure the navigation of said streams, such person or persons shall not be liable to those penalties."

I know nothing of the dams complained of, beyond what is to be learnt from the recital, preceding the resolution of the Pennsylvania legislature. From that, it appears that they do injure the navigation of the streams, and that no sufficient canal is cut through either of them. If this be the case, they fall directly within the prohibition of the statute. And the first one, which is said also to be injurious to the health of the citizens of Pennsylvania, residing on the banks of the Allegheny, is, I think, illegal on that ground also. It is true that the injury is not to our own citizens; but if New York and Pennsylvania were sovereignties, wholly distinct and unconnected, such act, on the part of our citizens, affecting the health

of the inhabitants of Pennsylvania, would be a breach of the law of nations. And the circumstance that these states, instead of being thus distinct and unconnected, are united under one confederated government, seems to impose upon us an additional obligation to respect the rights of Pennsylvania and her citizens, rather than to furnish a defence or excuse for their infraction.

Upon the second question, "Whether there are any, and what existing legal provisions, to remedy the evils complained of," I have to refer your excellency to the act already alluded to, which subjects those who obstruct the navigation of these streams, in the manner described, to a penalty of twenty-five dollars, to be recovered by any person who will sue for the same; and also declares that they shall be deemed guilty of a misdemeanor, and prosecuted accordingly by indictment. In addition to this, the persons owning lands in Pennsylvania, which are flooded by the water which the first dam sets back, might proceed by actions on the case to recover from the offenders, the damages sustained from that cause. Whether those who are interrupted or impeded by these obstructions in passing with their rafts, &c., down those streams, can be considered as suffering sufficient particular injuries, to entitle them to bring private suits, for a public nuisance, is a question upon which the authorities are somewhat at variance. According to a decision of the supreme court of Pennsylvania, such actions might be sustained; and this, I think, is the better opinion. For though it would lead to an endless multiplicity of suits to sustain an action for a public nuisance, in favor of each individual of the community, who is no otherwise injured than as he is a member of that community against which the offence is committed, still, that objection does not apply to a doctrine which goes only to support actions in favor of those who suffer an inconvenience like that complained of, particular to themselves, and not common to the public. So far, the nuisance becomes private; and the offender ought not to be permitted to escape from the general rule, which requires that those who illegally damage others, should make compensation therefor, by alleging that he has not only injured the other party in the manner complained of, but has, also, injured him, and every other member of the community, by the commission of a public offence.

I have the honor to be, with respect,

Your excellency's obedient servant,

SAMUEL A. TALCOTT.

His Excellency, De Witt Clinton, Governor, &c.

Executive Department,

Chester, July 30, 1821.

Sir—I have the honor to transmit you the enclosed resolves of the legislature of New-Hampshire.

I am, with high respect,
your Excellency's
obedient servant,

SAMUEL BELL.

His Excellency Joseph Hiester, Governor of Pennsylvania.

State of New-Hampshire.

The committee, to whom was referred so much of his Excellency's message as relates to a communication from the legislature of the state of Maryland, ask leave to report—

That,

The communication submitted to them embraces a report and certain resolutions thereupon adopted by the legislature of the state of Maryland, the object of which is to call the attention of Congress, and the legislatures of the several states to the public lands, as a fund from which appropriations for the purpose of education may with justice be claimed by all the original states, and some of the new ones.

Your committee have, with much attention, examined the grounds on which this claim is supposed to rest; and from this examination are satisfied that the principles contended for are just and equitable, and therefore do concur in the opinion expressed in the aforesaid documents. It is not, however, deemed necessary, on this occasion, to enter into an elaborate exposition of the principles on which this claim is founded, as this would lead merely to a recapitulation of the circumstances relied upon, and the arguments deduced by the committee who matured the report and resolutions now under consideration. It may be proper, notwithstanding, to present for consideration, a few of the points brought to view in the report of that committee.

It is alleged, that before the war of the revolution, these states were regal and not proprietary provinces, and that the right of disposing of them was claimed and exercised by the crown in some form or other; that by the treaty of peace, in 1783, Great Britain relinquished "to the United States, all claim to the government, property and territorial rights of the same, and every part thereof;" that between 1783 and 1802, the United States acquired an indisputable title to all the pub-

lic lands east of the Mississippi, by cessions from all those states which had exclusively claimed the unsettled lands within their respective limits, except a small part of the territory, which now constitutes the states of Mississippi and Alabama, which was acquired under the treaty ceding Louisiana; that all the territory west of the Mississippi river, together with the southern extremity of the states of Mississippi and Alabama was purchased of France, for fifteen millions of dollars, and that all the sums of money required to pay France to extinguish the Indian title to the public lands, and the like, was paid out of the treasury of the United States, the common fund of the whole Union. Forasmuch, therefore, as the property and jurisdiction of the soil were acquired by the common means of all, it is contended that the public lands, whether acquired by purchase, by force, or by acts or deeds of cession from individual states, are the common property of the Union, and ought to enure to the common use and benefit of all the states in just proportions, and not to the use and benefit of any particular state or states, to the exclusion of the others, and that any partial appropriation of them for state purposes "is a violation of the spirit of our national compact, as well as the principles of justice and sound policy."

On the inquiry whether the acts of Congress, in relation to the appropriation of the public lands, have been strictly national, it is ascertained that, by the existing laws relating to the survey and sale of them, one thirty-sixth part thereof has been reserved and appropriated in perpetuity, for the support of common schools; besides which, large appropriations have been made, in the new states generally, for the erection and maintenance of seminaries of learning, of a higher grade than common schools, equal, it is calculated, to one-fifth part of the appropriations for the common schools.

It is said on good authority, that all the states and territories in whose favor appropriations have thus been, and are to be made, according to the existing laws in support of literary institutions, contain 437,297,125 acres, and that the total amount of these literary appropriations, in the new states and territories, will be, 14,576,569 2-3 acres, which at \$2 per acre, a sum less than the average price of all the public lands which have heretofore been sold, the amount in money will be \$29,158,139 1-3.

The state of New-Hampshire contains 6,074,240 acres; of course her proportionate share of the public lands for literary purposes on the principles above stated, would be 202,473 acres.

It is admitted, that so far as the public lands have been sold and the money paid into the national treasury or appropriated for purposes of defence, all the states have derived a justly proportionate benefit from them. Nor is a spirit of envy attempted to be cherished towards the new states, on account of the bountiful appropriations made to them for literary purposes; but it cannot be denied, that such appropriations in favor of any state or states, to the exclusion of the rest, where the appropriations would have been beneficial, and might have been extended to all alike, would be a departure from sound policy as well as from impartial justice. These appropriations are of such a nature, that they might have been, and still may be, extended to all the states. Those states, therefore, for whose benefit such appropriations have not yet been made, will not be true to themselves, if they do not make known to Congress, who alone possess the power to make them, their request for such appropriations, not as a matter of favor, but of right.

Whereupon,

Your committee beg leave to recommend the adoption of the following resolutions:

Resolved,

By the Senate and House of Representatives of the state of New-Hampshire in general court convened, That each of the United States has an equal right to participate in the benefit of the public lands, as the common property of the Union, and that the states in whose favor Congress have not made appropriations of land for the purposes of education, are entitled to such appropriations as will be in a just proportion with those heretofore made in favor of the other states.

Resolved, That his Excellency, the Governor, be requested to transmit copies of the foregoing report and resolution to each of our Senators and Representatives in Congress, with a request that they will use their endeavors to procure the passage of an act to appropriate to the use of the state of New-Hampshire, for the purposes of education, such quantity of the public lands as shall be equitable and just.

Resolved, That his Excellency, the Governor, be also requested to transmit copies of the said report and resolutions to the Governors of the several states of the Union, with a request that they will communicate the same to the legislatures thereof respectively, and solicit their co-operation to carry into effect the just principles therein set forth.

To the Assembly Transmitting Certain Documents
Concerning a State Penitentiary at Philadelphia.

Gentlemen,

I HAVE RECEIVED FROM A COMMITTEE DEPUTED for the purpose, by the Commissioners appointed by an act of Assembly, passed on the 20th of March last, to superintend the erection of the state penitentiary at Philadelphia, a copy of certain minutes of their board, in relation to a certain transaction that has recently taken place in that body, which is herewith transmitted.

I think it my duty to lay this information before the Legislature at as early a period as possible, and to submit to their consideration, whether a revision of the act providing for the erection of a penitentiary at Philadelphia, may not be necessary under existing circumstances.

JOSEPH HIESTER.

Harrisburg, December 8th, 1821.

DOCUMENTS.

The undersigned commissioners, appointed to superintend the erection of a state penitentiary within the city and county of Philadelphia, respectfully submit for the information of his excellency the Governor of Pennsylvania, the enclosed extracts from their minutes, relative to a communication made by Peter Miercken, esq., president of the board, concerning the loss of certain money received by him from the treasurer of the state.

For further particulars they beg leave to refer to the committee appointed by them to proceed to Harrisburg, and to Mr. Miercken, who accompanies them.

Philadelphia, December 5, 1821.

THOMAS BRADFORD, junior,
JAMES THACKARA,
GEORGE N. BAKER,
CALEB CARMALT,
DANIEL H. MILLER,
JOHN BACON,
THOMAS SPARKS,
SAMUEL R. WOOD.

At a stated meeting of the board of commissioners, held December 4, 1821, present John Bacon, Daniel H. Miller, Thomas Sparks, Thomas Bradford, junior, James Thackara, George N. Baker, Caleb Carmalt and Samuel R. Wood,

The president being absent, Thomas Bradford, junior, was called to the chair.

The minutes of the last meeting were read and adopted.

The president now attended the board, and appeared much agitated.

He stated that he was very much distressed; having lost twenty thousand dollars, which he had received from Harrisburg, in a draft endorsed in a letter from Mr. Forster, on account of the new state penitentiary, and detailed the circumstances attending the loss, in the following manner, viz:

"Being in the habit of sending a servant to the postoffice, on Sunday mornings, for the purpose of receiving letters from his son at Princeton, who usually wrote on Saturday, the servant returned without any letters from his son, but two letters directed to him with the Harrisburg post mark; on opening one of these, he found the draft which we had so long expected. Being Sunday, he put the papers in a private draw, in his desk; on Monday morning about 11 o'clock, having occasion to go to the bank of Pennsylvania, for the purpose of obtaining some Spanish dollars for bank notes, it struck him that as there would be a meeting of the board that evening, it would be as well to present the draft and receive the notes, which he did, and received twenty notes of one thousand dollars each; that he afterwards exchanged one of the notes for two of five hundred dollars each, on the Farmers' and Mechanics' bank; that he proceeded home, when recollecting that he was mistaken as to the night of the meeting, he placed the notes in the letter and put them carefully by in his private draw, until a short time previous to his leaving home to attend this meeting; when he took them out of the letter, and wrapped them up in a piece of paper, twisted each end of it, and put them in his right hand pantaloons' pocket. On his arrival at the prison, while in the outer room, he discovered that the paper containing the money was missing; he immediately retraced his steps, examining the way carefully back to his house, and there made strict search in the expectation that he had either dropt or left the papers there—he then obtained the aid of his son-in-law, Mr. Myers, and returned to the prison; both of them searching the gutters and every place where it appeared likely the papers could have fallen or been kicked into, but

without success. On searching his pocket he there found a hole through which the paper must have escaped—he expressed his deep concern for the accident, and solicited the advice of the board, saying he was willing to take any measures towards recovering the money they might think proper.”

The board immediately adjourned, and proceeded in search of the lost money; Mr. Miercken taking the lead, the other members taking proper distances: they proceeded to his house in Shippen st. and back again to the prison, carefully examining the way in hopes of finding the lost parcel, but failed in their endeavors.

The board adjourned till to-morrow evening, 6 o'clock, having first appointed a committee to wait upon Horace Binney, esq., to take his advice upon the subject.

At an adjourned meeting, held December 5, 1821.

Present, Thomas Bradford, junior, James Thackara, G. N. Baker, Thomas Sparks, D. H. Miller, C. Carmalt, John Bacon and Samuel R. Wood—T. Bradford, jr., in the chair.

The committee appointed to wait on Horace Binney, esquire, made report:

That they had conferred with him, and that he approved of the minute made by the board, and of the measures adopted last evening; he recommends that a committee be sent to Harrisburg immediately, to lay the matter before the Governor, and that a copy of the proceedings of the board of last evening be transmitted; he further recommends, that Mr. Miercken also proceed immediately to Harrisburg, and make his statement to the Governor. He is of opinion that it rests with the executive, who represents the commonwealth, in this matter, to determine the course to be taken therein.

Signed,

THOMAS BRADFORD, jr.

JOHN BACON.

December 5, 1821.

On motion of John Bacon, seconded by Thomas Sparks,

Resolved, That a committee be appointed to proceed to-morrow morning, to Harrisburg, to lay before the Governor the loss sustained by Peter Miercken, as well as the book of minutes of this board, together with such other information as the Governor may require, relative to said loss.

Whereupon,

Caleb Carmalt and George N. Baker were appointed.

The president of the board, Peter Miercken, now came to the meeting, and with great satisfaction took from his coat

pocket, a wet paper, having the appearance of a letter opened, containing a number of bank notes, amounting to fifteen thousand dollars. He stated that being in his parlour this evening, his little servant girl came running in, and stated that there was a man at the warehouse door, who frightened her; he proceeded directly to the said door, and did not observe any person; but discovered a paper had been pushed under the door, which on taking up, it struck him that it contained bank notes. This so agitated him, that he could not open it; he ran up stairs to his wife, who was sick in bed, where his daughter took from him the paper and upon opening it, found fifteen bank notes of one thousand dollars each, of the bank of Pennsylvania, and said, he was never so happy in his life, as having it in his power to hand it to the board.

Extracted from the minutes.

SAMUEL R. WOOD, Secretary.

To the Assembly Transmitting Certain Documents
Concerning a Transaction which Occurred in the
Board of Managers for the Erection of a State Pen-
itentiary at Philadelphia.

Gentlemen,

I TAKE THIS EARLIEST OPPORTUNITY OF submitting to the legislature some additional information I have received relative to a recent transaction which occurred in the board of managers for the erection of a penitentiary in the city and county of Philadelphia. It was communicated to me in an extract of the minutes of that board, a copy of which is herewith transmitted.

JOSEPH HIESTER.

Harrisburg, December 14th, 1821.

DOCUMENTS.

To Joseph Hiester, Esq., Governor of the Commonwealth of Pennsylvania:

The undersigned, commissioners appointed to erect a state penitentiary within the city and county of Philadelphia, re-

spectfully submit the following extract from their minutes for the further information of the executive.

Philadelphia, December 21st, 1821.

THOMAS BRADFORD, jr.
JOHN BACON,
THOMAS SPARKS,
SAMUEL R. WOOD,
JAMES THACKARA,
CALEB CARMALT,
ROBERTS VAUX,
COLEMAN SELLERS,
PETER MIERCKIN.

At a special meeting of the board of commissioners held December 12th, 1821. Present, Peter Mierckin, James Thackara, Thomas Sparks, Thomas Bradford, jr., John Bacon, Caleb Carmalt, and Samuel R. Wood. Thomas Bradford, jr., was appointed chairman. Roberts Vaux and Coleman Sellers also attended, with a commission from Joseph Hiester, Governor of this state, appointing them commissioners in this board in the place of Thomas Wistar and Dr. Samuel P. Griffiths, who have declined acting; which was read, and ordered to be placed on file.

The chairman then stated, that this meeting was called in consequence of Peter Mierckin having paid to John Bacon, treasurer, the sum of four thousand dollars, being a part of the sum of twenty thousand dollars drawn by him.

Peter Mierckin then made the following statement, viz:

"About 7 o'clock this morning, my brother David, on opening the warehouse door, picked up a note, addressed to me; on my entering the office, shortly after, he asked me if I knew the handwriting of "Tom Find." Asking his reason, he handed to me a note; which, on opening, I found contained the following words:

"Acknowledge the balance put into the window.

December 11th.

T. F."

"Search was instantly made, by all the members of my family, at all the windows of the dwelling and sugar-house cellar, but then without effect; on preparing to empty the water out of the cisterns in the sugar-house cellar, immediately under the window, a letter containing four notes of one thousand dollars each, was found back of a scum bottom and blood churn, by the chambermaid, near the cistern, containing these words:

"I take the reward of \$500, the other \$500 should be enclosed, but I want it—on the honor of a mason it shall be returned.

Brother T. F."

Extracted from the minutes.

SAMUEL R. WOOD,
Secretary.

December 6th, 1821.

To the Assembly with Action of Vermont Legislature
on the Application of Public Lands to Education
and a Report of the Commissioners on the Erection
of a Penitentiary at Allegheny.

Gentlemen,

IN COMPLIANCE WITH THE REQUEST OF THE
Governor of the state of Vermont, I herewith
transmit to you the proceedings of the legislature
of that state, relative to the resolutions, passed by the
state of Maryland, on the subject of an appropriation
of a portion of the public lands, for the support of
schools in the original states.

You will also receive, herewith, a copy of the report
of the commissioners, for the erection of a penitentiary,
on the public land, adjoining the town of Allegheny,
opposite Pittsburg, in the county of Allegheny.

JOSEPH HIESTER.

Harrisburg, Dec. 18, 1821.

DOCUMENTS.

State of Vermont.

Manchester, November 26, 1821.

Sir—In obedience to the direction of the legislature of the
state of Vermont, I herewith transmit to your excellency, a re-
port and certain resolutions of that legislature, on the sub-
ject of appropriating a portion of the public lands, for the pur-
poses of education; and request that you will be pleased to
communicate the same to the legislature of the state over

which you preside. I am persuaded they will readily co-operate in carrying into effect the principles therein set forth.

I have the honor to be, sir,

Very respectfully,

Your obedient servant,

RICHARD SKINNER.

His Excellency the Governor of Pennsylvania.

State of Vermont.

Report of a committee, and resolutions of the legislature of the state of Vermont, on the appropriation of public lands, for the purposes of education.—October session, 1821.

The committee to whom was referred his Excellency's message, accompanied with a report and sundry resolutions of the legislature of the state of Maryland, relative to the appropriations of public land, for the purposes of education, and a report and sundry resolutions of the legislature of the state of Hampshire, on the same subject, beg leave to report:

That they have attentively considered the said reports and the resolution respectively, predicated thereon, and find them to contain the following principles: which, in the opinion of your committee, cannot be denied or resisted:

That the public lands of the United States, whether acquired by force, or by acts or deeds of cession from particular states, or by purchase from foreign governments, are the common property of the Union; and ought to be applied to the common use and benefit of all the states, in just proportions; and not to the use and benefit of any particular state or states, to the exclusion of others; and that any such partial appropriation of them, for state purposes, is a violation of our national compact, as well as of the principles of just and sound policy;

And that, as large appropriations of the public lands have been made by the United States, and, in the opinion of your committee, with perfect propriety, to certain states, for the purpose of education, the rights of other states will be violated, unless a like appropriation be made to them, of the public lands, for the same purposes, in just proportion.

In these principles your committee fully agree with the legislatures of the states of Maryland and New-Hampshire; and believe the arguments detailed in the reports made to the legislatures of those states, respectively, and particularly that from the state of Maryland, to be altogether unanswerable.

The reports and resolutions, referred to your committee, which have been published for the use of the general assembly, so clearly and irresistably elucidate and establish the principles maintained, that an attempt, on the present occasion, at further, or more ample discussion, would be superfluous.

They may be allowed, however, to suggest, that the claims of the state of Vermont, on the subject, may be urged with as much justice as those of any other state.

The burdens and sacrifices of the revolutionary war, which secured the sources of our national wealth, as well as our independence, were shared in full proportion, by the people of this state. At the same time, as this state was not then a member of the confederation, no indemnity was obtained from the United States, though, on its accession to the Union, it became subject, equally, with the other states, to the burden of the public debt.

Your committee recommend to the general assembly the adoption of the following resolutions:

Resolved by the general assembly of the state of Vermont, That each of the United States has an equal right to participate in the benefit of the public lands, as the common property of the Union; and that the states in whose favor Congress have not made appropriations of land, for the purposes of education, are entitled to such appropriations as will be in a just proportion with those heretofore made in favor of the other states.

Resolved, That his Excellency the Governor be requested to transmit copies of the foregoing report and resolutions, to each of our Senators and Representatives in Congress, with a request, that they will use their endeavors to procure the passage of an act to appropriate to the use of the state of Vermont, for the purpose of education, such quantity of the public lands as shall be equitable and just.

Resolved, That his Excellency the Governor be also requested to transmit copies of the said report and resolves, to the Governors of the several states of the Union, with a request, that they will communicate the same to their respective legislatures, and solicit their co-operation, to carry into effect the just principles therein set forth.

To his Excellency Joseph Hiester, Esq., Governor of the Commonwealth of Pennsylvania:

The commissioners, for the erection of the state peniten-

tiary, on the public land, adjoining the town of Allegheny, opposite Pittsburg, in the county of Allegheny:

Report,

That the expenditures on said buildings, for the current year, ending this day, amount to the sum of nineteen thousand three hundred and fifty-eight dollars forty and three-fourths cents; which, added to the sums expended during the preceding years, make the whole amount of expenditures seventy-six thousand two hundred and thirty seven dollars sixty-five and one half cents.

With this sum, the commissioners have completed the outward wall including its roof; they have raised the walls of two of the towers to the height of forty-six feet; those of the remaining towers to the height of thirty-five feet; and they have commenced the third story of the main building.

The whole of this work has been executed in a style the most satisfactory to the commissioners.

In anticipation of the labours of the ensuing season, the commissioners respectfully submit to the consideration of the legislature the expediency of dispensing with a culvert. They are unanimously of opinion that the culvert would be altogether an useless appendage to the building, unless a constant and strong current of water could be directed through it; otherwise it would be difficult to preserve the purity of the atmosphere, so essentially necessary to the health of the prisoners. The commissioners fear that a sufficiency of water for this purpose is not to be procured, especially in dry seasons, when its loss would be most severely felt.

The commissioners, when deciding upon the location of the scite of the penitentiary, selected the spot most favorable to an introduction of water from the neighboring hills, but experience has fully proved that a supply adequate to the wants of the institution cannot be had from a collection of the water from all the springs which rise above the level of the works; and if the present plan be preserved, there must be a resort to wells, and pumps within the penitentiary, as an indispensable aid to all that can be brought from fountains in the hills.

Although a portion of the convicts would easily raise the necessary supply of water into the reservoir daily, by means of pumps, yet this employment would seem to contravene the intention of the legislature, strongly expressed, that all those committed to this new prison, should undergo solitary confinement.

The commissioners apprehend that the cost of a culvert would be a sufficient reason for abandoning that part of the

original plan. They therefore respectfully suggest the propriety of enacting a law, embracing the amendments proposed, or authorizing the commissioners to make, generally, such alterations in the plan as the board may deem expedient, not deviating from the original idea of solitary confinement, or adding to the contemplated cost of the building.

JAMES ROSS,
WILLIAM WILKINS,
GEORGE STEVENSON,
JOHN SCULL,
ABNER BAKER.

Pittsburgh, November 23, 1821.

To the Assembly Approving a Resolution providing that the Next Meeting of that Body shall be in the State Capitol.

Gentlemen,

I HAVE THIS DAY APPROVED AND SIGNED A “resolution directing that after the expiration of the present year, the General Assembly shall hold their meetings in the state capitol;” and directed the secretary of the Commonwealth to return it to the Senate, in which it originated.

JOSEPH HIESTER.

December 18, 1821.

To the Assembly Approving a Resolution providing for the Opening of the State Capitol with Prayer.

Fellow Citizens,

I HAVE THIS DAY APPROVED AND SIGNED A resolution of the general assembly, providing, that when the legislature meet at the new state capitol on Wednesday, the second of January next, and before either House proceed to business, they will unite in

prayer to Almighty God, in imploring his blessing on their future deliberations; and I have directed the secretary of the Commonwealth to return the same to the House of Representatives in which it originated.

JOSEPH HIESTER.

Harrisburg, December 21, 1821.

To the Assembly transmitting the Action of the New Jersey Legislature on the Application of Public Lands to Education and a Report of the Northumberland Bridge Company.

Gentlemen,

IN COMPLIANCE WITH THE REQUEST OF THE Governor of New Jersey, founded on a resolution of the legislature of that state, I have the honor of transmitting to you, herewith, the proceedings of that legislature, on the report and resolutions of the legislature of Maryland, relative to an appropriation of public lands to certain states, for the support of schools.

I take this opportunity of laying before you copies of a letter from J. P. DeGruchy, president of the board of managers of the Northumberland Bridge Company, together with copies of the accounts of the company, to the first day of May last.

JOSEPH HIESTER.

Harrisburg, January 12, 1822

DOCUMENTS.

Executive Office,

Trenton, N. J., November 26, 1821.

Sir—In compliance with the request of the Council and General Assembly of the state of New Jersey, I have the honor

to transmit to you the enclosed copy of a report and resolutions.

I have the honor to be,

With great consideration,

Your obedient servant,

ISAAC H. WILLIAMSON.

His Excellency, the Governor of the State of Pennsylvania.

State of New Jersey.

The committee to whom were referred a certain report and resolutions of the legislature of Maryland, and certain other report and resolutions of the legislature of New-Hampshire, recommending an equitable appropriation of a portion of the public lands of the United States, to the purposes of education, in those states which have yet received no such appropriation—

Respectfully Report,

That they have given to the documents referred to them, such consideration as the importance of the subject demanded, and their time permitted; that the facts adduced, and the arguments advanced, in those documents, in favor of grants of land, for the purposes of education, to those states which have not received such grants, appear to your committee correct and conclusive; that without recapitulating those facts, or repeating those arguments at length, your committee will briefly state, that the United States have acquired, by conquest, cession or purchase, an immense body of land, probably at this time more than four hundred millions of acres, which, as it was acquired by common valor, wisdom and contribution, is, consequently the common property of all the states; that this property is at the disposal of the general government, which has made large grants thereof, for the purposes of education, to several of the states; while others, and this state among the number, equally friendly to the diffusion of knowledge, among all classes of their citizens, and equally entitled to, and in need of assistance, in carrying their benevolent views into full effect, have received no part thereof; that according to calculations made in the report to the Maryland legislature, which appear to be founded on the best data which could be obtained, the state of New Jersey would be entitled, in a distribution to be made upon principles heretofore adopted, to one hundred and seventy-three thousand, four hundred and ninety-four acres, which at the lowest price at which Congress has heretofore sold its lands at private sale, would amount to

three hundred and forty-six thousand nine hundred and eighty-eight dollars; that although it cannot be reasonably expected that all this land could be immediately sold, so as to realize at once the whole sum at which it is here estimated, yet it is probable that such sales might be made, from time to time, and such payments had thereon, as would furnish a permanent and productive resource in aid of the fund already constituted in this state, for the establishment of free schools; that under these impressions, the committee deem it their duty to recommend to this House, a cordial co-operation with our sister states of Maryland and New-Hampshire, in the object which their communications to this state have in view; and therefore, respectfully submit to the House, the following resolutions:

Resolved unanimously, by the Council and General Assembly of the state of New Jersey, "That each of the United States has an equal right to participate in the benefit of the public lands, the common property of the Union.

"Resolved, That the states in whose favor Congress have not made appropriations of land, for the purposes of education, are entitled to such appropriations as will correspond, in a just proportion, with those heretofore made in favor of the other states.

Resolved, That his Excellency, the Governor, be requested to transmit copies of the foregoing report and resolutions, to each of our Senators and Representatives in Congress, with a request, that they will lay the same before their respective Houses, and use their endeavors to procure the passage of an act to carry into effect the just principles therein set forth.

Resolved, That his Excellency, the Governor, be requested to transmit copies of this report and resolutions, to the Governors of the several states, with a request that they will communicate the same to the legislatures thereof respectively, and solicit their co-operation.

Northumberland, Jan. 3d, 1822.

Sir—By my letter of the 20th Jan. last year, I had the honor of sending you the accounts of the Northumberland bridge company. Notwithstanding the hopes we then entertained, that at the expiration of the year the company would be out of debt, I am sorry to inform your excellency, that a still further decrease in the receipts of toll, has placed yet at a distance that wished for period. I am therefore directed by the board to send you a copy of the accounts of the company, to the

5th of May last, the time at which the accounts are annually made up.

I am further directed to send your Excellency, a copy of the statement of the decrease in the receipts of tolls for the past four years: it will be found annexed.

When trade revives, then, no doubt, our receipts at the bridge will revive also; at any rate there can be little doubt, but we shall be out of debt, ere the conclusion of the present year, as we have only about \$800 more to provide for; after which the money received at the toll houses will, as heretofore, be applied, when there is a sufficiency, to the making of a dividend among the stockholders:—it will be recollected, that although there has not been a dividend declared since November, 1816, yet when we begin again to divide, it will be on a capital of \$80,000, instead of \$90,000. As the bridge stock, amounting to \$10,000, which we held of Theodore Burr, the bridge builder, as a collateral security, for the advances we were under the necessity of making over and above his contract, will be forfeited to the company.

All which is with great respect submitted to your Excellency, for the information of the Legislature; and

I have the honor, to be,

Sir, your most obt.

most humble servt.

J. P. DE GRUCHY, Presidt.

N. B. C.

To his Excellency, Joseph Hiester, Esqr., Governor of the state of Penna., &c.

To the Assembly with a List of Taxable Inhabitants, Slaves and Deaf and Dumb, and the Action of the Kentucky Legislature on the Application of Public Lands to Education.

Gentlemen,

I HAVE DIRECTED THE SECRETARY OF THE Commonwealth to lay before you a list of the taxable inhabitants, slaves and deaf and dumb persons, of all the counties in the state, with the exception of Susquehanna, from which the return has not yet

been received, agreeably to an act of assembly, passed on the 6th of January, 1821, and a supplement thereto passed on the 26th of March, 1821. He will also deliver you herewith, agreeably to the request of the Governor of Kentucky, copies of the proceedings of the legislature of that state, relative to a report and resolutions of the legislature of Maryland, on the subject of an appropriation of a portion of the public lands to certain states for the support of schools. Also, copies of an abstract of the accounts of the president and managers of the Susquehanna and Lehigh turnpike road company, for the last three preceding years, agreeably to the 17th section of the act of incorporation, passed on the 19th of March, 1804.

JOSEPH HIESTER.

Harrisburg, January 16th, 1822.

DOCUMENTS.

List of the taxable inhabitants, slaves, and Deaf and Dumb in the several counties of the Commonwealth of Pennsylvania, from the returns made to the Governor by the commissioners of the respective counties in the year 1821.

County.	Taxables.	Deaf and Dumb.	Slaves.
Adams,	3,852	11	24
Allegheny,	6,969	10	10
Armstrong,	2,089	5	..
Beaver,	3,120	..	1
Bedford,	4,045	14	2
Berks,	8,896	24	4
Bradford,	2,277	6	4
Bucks,	8,300	17	6
Butler,	2,022	8	4
Cambria,	757	1	..
Centre,	2,820	11	1
Chester,	9,171	14	6
Clearfield,	584	..	..
Columbia,	3,459	10	1
Crawford,	2,000	..	..

List of Taxables—Continued.

County.	Taxables.	Deaf and Dumb.	Slaves.
Cumberland,	5,048	22	25
Dauphin,	4,235	6	11
Delaware,	2,856	3	2
Erie,	1,973	14	2
Fayette,	5,372	9	31
Franklin,	5,841	8	10
Greene,	2,612	9	5
Huntingdon,	4,281	13	2
Indiana,	1,923	..	..
Jefferson,	137	..	..
Lancaster,	13,560	39	14
Lebanon,	3,228	4	3
Lehigh,	3,763	18	..
Luzerne,	3,540	12	..
Lycoming,	2,836	6	3
M'Kean,	211	..	..
Mercer,	2,440	3	..
Mifflin,	3,656	7	2
Montgomery,	7,437	17	2
Northampton,	5,646	3	..
Northumberland,	3,037	10	1
Perry,	2,430	6	4
Philadelphia city,	12,696	38	7
Philadelphia county,	15,196	..	4
Pike,	690	1	3
Potter,	50	..	..
Schuylkill,	2,045	7	1
Somerset,	2,925	13	4
Susquehanna, not re'd.			
Tioga,	810	3	2
Union,	3,620	..	..
Venango,	1,050	1	..
Warren,	524	3	..
Washington,	7,345	29	4
Wayne,	979	..	..
Westmoreland,	6,176	24	7
York,	7,983	26	12
	<hr/> 208,512	<hr/> 484	<hr/> 224

Frankfort, Kentucky,
Secretary's Office.

Sir—Agreeably to a request of the legislature of this state, I have the honor to transmit you the enclosed resolutions, adopted by the general assembly of the state of Kentucky of the last session.

I have the honor to be,

Your most obedient humble servant,

JOHN ADAIR.

To his Excellency, Joseph Hiester, Esq., Governor of the state of Penna.

Resolutions.

In relation to a portion of the public lands, of the United States, as a means of creating a fund for promoting education, and to the right of the several states of the Union to a part of the same for that purpose.

The committee to whom were referred, the communications from the legislatures of the states of Maryland and New-Hampshire, ask leave to report:

That the communications submitted to them, embrace reports and resolutions thereupon, adopted by the legislatures of those states, and the objects of which are to direct the attention of Congress and the legislatures of the several states of the Union, to the national lands, as a source from which appropriations, for the purposes of education, may, with justice, be claimed by those states, for which no such appropriations have yet been made.

Your committee, highly sensible of the importance of the fact, that the most effectual means of achieving or perpetuating the liberties of any country, is to enlighten the minds of its citizens, by a system of education, adapted to the means of the most extensive class of its population; and alive to any just means within their power for the advancement of this great object, not only within their own state, but alike to all the members of the great political family, of which they are a part, and for whose common interests they are thus united, have with much interest, examined the facts stated and the arguments used in said reports, and do not hesitate to concur in the opinions therein expressed, that the national lands are strictly a national fund, and, in just proportions, the property of all the states of the Union; and that from the extent and nature of the fund, appropriations may with great propriety be extended to all the states of the Union.

It is deemed unnecessary, in a report of this kind, to enter at large into all the arguments that might be used to estab-

lish the opinion above expressed. A few of the facts that have presented themselves, in the investigation of this subject, are submitted:

It is ascertained, that all the states and territories, whose waters fall into the Mississippi, have been amply provided for, by the laws of Congress, relating to the survey and sale of the public lands, except the state of Kentucky.

Why those appropriations should have stopped short of Kentucky, your committee are not able to see; especially when they take into consideration its situation in relation to the other states of the Union, the contest it has maintained in establishing itself, protecting at the same time the western borders of the old states and extending the more northern and western settlements. Kentucky long stood alone in a forest of almost boundless extent, separated from her parent settlements by extensive ranges of mountains and forests, fit receptacles for her savage enemies, and by which she was cut off from the succour and almost from the knowledge of her friends; yet maintaining her stand, and at the same time forming a barrier by which the more eastern states were protected from the common enemy, she has not only established herself, but has also gone forward to the establishment and support of those states and territories which now form the great national domain, which is the subject of this report.

Notwithstanding many arguments might be used, which would go to prove that Kentucky has claims to appropriations of those lands, without extending the system to all the other states, yet your committee believe that such arguments are not necessary, and that a few facts here submitted will prove that those appropriations may be made general without materially affecting the national revenue.

Relying upon the apparent correctness of the able document before the committee, received from the state of Maryland, it appears that the total amount of literary appropriations, made to the new states and territories, will amount to 14,576,569 acres; that the additional amount required to extend the same system, to those states for which no such appropriations have yet been made, would be 9,370,760 acres; that the state of Kentucky as her part of such appropriation, would be entitled to 1,066,665 acres; and estimating the whole quantity of unsold lands, yet owned by the United States, at 400,000,000 acres, that the additional amount required to extend the same scale of appropriation to all the states, which have not received any, would not amount to $2\frac{1}{2}$ per cent. upon the landed fund as above.

Relying, therefore, upon the foregoing consideration, as sufficient for their purpose, and believing that the magnanimity of their sister states, in the west, will produce an unanimity in the congress of the United States, upon this subject, your committee are prepared to close this report, and beg leave to recommend the adoption of the following resolutions:

Resolved, by the Senate and House of Representatives of the Commonwealth of Kentucky, That each of the United States has an equal right in its just proportion, to participate in the benefit of the public funds, the common property of the Union.

Resolved, That the executive of this state, be requested, as soon as possible, to transmit copies of the foregoing report and resolution, to the Governors of the several states, and to our Senators and Representatives in congress, with a request that they will lay the same before their respective houses, and use their endeavors to procure the passage of a law, to appropriate to the use of the state of Kentucky, for the purposes of education, such a part of the public lands of the United States as may be equitable and just.

To the Assembly Transmitting an Act of the Legislature of Maryland relating to the Navigation of the Susquehanna River.

Gentlemen,

I HAVE DIRECTED TO BE LAID BEFORE YOU, copies of a letter of the Governor of Maryland, with copies of a resolution, and an act of the legislature of that state, relative to the improvement of the navigation of the river Susquehanna.

JOSEPH HIESTER.

Harrisburg, January 28, 1822.

DOCUMENTS.

Annapolis, January 21, 1822.

His Excellency, the Governor of Pennsylvania:

Sir—I have the honor to transmit to your Excellency the enclosed copy of a law and resolution passed by the General Assembly of Maryland, now in session, and to request that your

excellency will cause the same to be laid before the legislature of your state as early as possible.

The importance of the object to both states will justify the expression on my part, of a wish that your Excellency will be pleased to afford to the project every facility and aid in your power.

I would beg leave to renew to your Excellency the assurances of the very high consideration and respect,
with which

I have the honor to remain,
Your Excellency's most
Obedient fellow citizen.

SAMUEL SPRIGG.

By the House of Delegates,

January 18, 1822.

Resolved, That the Governor be requested forthwith to transmit to the Governor of Pennsylvania, a copy of the act entitled An act for the improvement of the navigation of the river Susquehanna, with a request that he would lay the same before the legislature of that state, with an invitation to co-operate in such manner as may be deemed expedient towards the improvement of the navigation of the river Susquehanna.

By order.

JOHN BREWER, Cl'k.

An act for the improvement of the navigation of the river
Susquehanna.

Whereas, it has been represented to the General Assembly, by the citizens of Baltimore, that the improvement of the navigation of the river Susquehanna is of great importance to the state of Maryland, and would greatly increase the commerce of the city of Baltimore:

Be it enacted by the General Assembly of Maryland, That the mayor and city council of Baltimore, be and they are hereby authorized and empowered to create a stock and issue certificates therefore, to amount not exceeding fifty thousand dollars; the same to be issued at such times and to such amount as the commissioners hereinafter mentioned shall require and demand; the said stock to bear an annual interest, not exceeding six per cent. and the said mayor and city council shall provide for the annual payment of the interest on said stock, and for the redemption of the principal thereof, at such times

as the said mayor and city council may deem proper, at any time after the expiration of fifteen years from the issuing of said stock, and within the term of twenty years; and for the punctual payment of the annual interest on the said stock, the pledge and guarantee of this General Assembly of Maryland is hereby given.

2. And be it enacted, That Isaac M'Kimm, John E. Howard, Junior, Thomas Ellicott, Joseph W. Patterson and William H. Winder, be and they are hereby appointed commissioners, and they are hereby empowered to call upon the said mayor and city council, to issue to them and in their names, such amount of said stock and at such times as the said commissioners may require, not exceeding five thousand dollars, in any one year, which said stock, so issued, shall be disposed of by the said commissioners, in such manner as will, in their judgment, be most judicious; and the said stock, or the proceeds thereof, to apply towards the improvement of the navigation of the river Susquehanna, so as to make the navigation of the said river as safe, convenient and easy as may be found practicable.

3. And be it enacted, That the said commissioners, or a majority of them, be and they are hereby authorized and empowered to expend said money, for the objects above stated, in such manner as they may deem most advantageous, and that they have power to fill up any vacancy which may happen in said board of commissioners, by death, resignation or removal, out of Baltimore county.

4. Be it enacted, That said commissioners shall render an account of their proceedings, in improving the navigation of said river and expending and applying said stock, or the proceeds thereof, to the mayor and city council of Baltimore, whenever thereto required.

5. Be it enacted, That this act shall take effect and go into operation so soon as the mayor and city council shall transmit, to the Governor and council, their formal assent thereto, otherwise to be of no force or value whatever.

To the Senate Concerning the Census of Susquehanna County.

Gentlemen,

I HASTEN TO INFORM YOU, THAT THE ORIGINAL return of the taxable inhabitants, slaves and deaf and dumb persons of Susquehanna county, which was accidentally found at Mrs. Orth's this morning, has been before the House of Representatives.

JOSEPH HIESTER.

Harrisburg, February 4, 1822.

To the Assembly Transmitting the Action of the Ohio Legislature on the application of Public Lands to Education.

Gentlemen,

I HAVE THIS DAY APPROVED AND SIGNED the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the Houses respectively in which they originated, to wit:

* * * * *

I have also directed to be laid before you, agreeably to the request of the acting Governor of the state of Ohio, copies of the proceedings of the Legislature of that state, relative to a report and resolution of the legislature of Maryland, on the subject of an appropriation of a portion of the public lands, to certain states, for the support of schools.

JOSEPH HIESTER.

Harrisburg, February 8, 1822.

DOCUMENTS.

The committee to whom was referred so much of the Governor's message as relates to the report and resolutions of the General Assembly of the state of Maryland, with the ac-

companying documents, relating thereto, and papers on the same subject, subsequently referred, having carefully examined the subject to them committed, respectfully submit the following

Report:

• That from an examination of the subject and documents, to them referred, it appears that the object of the Maryland report and resolutions, is to call the attention of Congress and the legislatures of the several states to the public lands, as a fund from which appropriations may be drawn to aid in the support of common schools, and seminaries of a higher grade. They claim from the United States for those purposes an appropriation of public lands in favor of each of the old states, including also Kentucky, equal to one thirtieth part of their respective territories. These appropriations the report and resolutions under consideration claim as a matter of right, and which by a long course of reasoning they attempt to prove, congress cannot justly refuse, and intimate that the states in whose favor the claims are set up, have the power to enforce them.

In the sentiments expressed in the Maryland report, relative to the importance of a general diffusion of knowledge throughout our common country, and in many other sentiments expressed in that able and ingenious report, your committee most fully and cordially concur.

That the public lands are a fund from which appropriations may in some manner be drawn for the purposes of education, is a proposition which your committee do not at present feel disposed to controvert. But we can never subscribe to principles which would go to charge those states in which appropriations of school lands have been made, as being still debtors for lands for which they have already paid more than a fair equivalent; nor can we agree to doctrines which would subject those states to contribution, on the ground of having received more than their just proportion of the public funds, when from a full and impartial investigation, it will be manifest that they have received far less. We believe that neither the state of Ohio nor the other states which are placed in a similar situation as it respects this question, can ever be justly accused of ingratitude for refusing to acknowledge benefits which have never been conferred, nor of unchastened ambition, in calling to mind principles which have been acknowledged by all the original members of the confederacy.

The claim advanced in the Maryland report, seems to rest on

the assumed ground of a donation's having been made to those states, whose waters fall into the Mississippi and the Gulf of Mexico, Kentucky excepted, of one thirty-sixth part of the lands within their respective limits, for the support of common schools, and one fifth of the same amount for the support of seminaries of a higher grade. The word "appropriations," it is true, is used in that report, but it is asserted that these appropriations will accrue to the exclusive benefit of those states, in whose favor, it is contended, they are made; that they are appropriations for state, and not for national purposes. And it seems, are therefore considered donations to those states, in whose favor they are made; and implies that no consideration or equivalent has been received by the United States, for those appropriations. This hypothesis, your committee believe to be founded in error; or, at any rate, to be but partially true.

The public lands of the United States, as stated in the report under consideration, are surveyed into townships of six miles square, and each township into thirty-six sections containing 360 acres each; one of which sections, or No. sixteen, is set apart or appropriated, for the use of common schools; the remaining thirty-five sections are sold by the United States; and as we contend, at an advanced price, beyond what would otherwise be their fair value; more than sufficient to pay for section No. 16. In other words, 35 sections, in each township, are sold to individuals, to be held in severalty; and section No. 16, is sold to the purchasers of the remaining thirty-five sections, to be owned by them, their heirs and assigns, in common, for certain purposes. Admitting this to be a fair statement of the case, as your committee believe it to be, it is clear that there is a complete purchase made by our citizens, of the whole township, including section No. 16: And the whole superstructure, built upon the supposition of a grant or donation, falls to the ground; for the same reasoning will apply with equal force to the appropriations made in Symme's and the Ohio Company's purchase, for colleges which were only the greater inducements held out to larger purchasers.

Nor is the doctrine here advanced, the mere creature of imagination, unsupported by example; similar plans have not unfrequently been adopted by individual land-holders, whose minds were sufficiently enlarged and liberal to enable them to pursue successfully, their own eventual interest; and the aggregate amount received by them for a whole tract, has undoubtedly been increased by such partial appropriations.

Your committee do not pretend that congress, in the preambles of acts, have distinctly avowed, as a motive for making these appropriations, that the value of the remaining lands would thereby be enhanced; but are willing so far as it concerns the question now under consideration, to admit that the real as well as ostensible object, was, the encouragement of learning; nor is it necessary in maintaining the principles here advanced to suppose that each individual purchaser, has distinctly understood the extent and value, of his right or interest in section No. 16, and that the knowledge of this right, has operated as an inducement to purchase. It is sufficient for our purpose, that the real value of the remaining thirty-five sections in each township, has been enhanced by the appropriation of section No. 16; and that this has been understood by wealthy and reflecting purchasers, whose opinions and example, may be said in a great measure, to fix the price of lands; and that an enhanced price has been actually paid for the remaining lands, in consequence of the appropriation for schools.

The committee of the senate of Maryland seem to have foreseen this objection to their theory; and have in their report attempted to answer it. In doing this they admit that the appropriation for schools may have operated as an inducement to emigration; and may thereby have raised the value of the remaining lands; which increased value, they say, enures to the benefit of the union, and the western states participate equally with the Atlantic states in its benefits. Admitting this position to be correct, we are unable to see the force of the deductions which they would draw from these premises. It only proves that the purchase money, when paid, is a common fund in which all the states equally participate; but by no means establishes the fact that all the states have contributed equally in raising this fund. If this increased value has been paid by our citizens, who have already purchased public lands; or is it to be paid by those who may hereafter purchase, before they can derive any benefit from the school sections; we conceive the account is thereby liquidated and discharged; our citizens have paid the full value of the grant; the nation has received and appropriated the money for the common benefit of all; and no claim can justly be predicated on the supposition of a donation when no such donation has ever been made.

The grants of school lands for the benefit of the Connecticut Western Reserve, and the Virginia military district, would, at first view, seem to form exceptions to our theory; but if our

doctrine be correct, these grants would operate in favor of the proprietors of these lands, or the holders of the warrants by which they were entitled to locate lands in the Virginia military district, who were at the time of making those grants, mostly non-residents; thereby enabling them to demand of purchasers a greater price for their lands or warrants, in consequence of their increased value resulting from those donations. Had the lands within the Connecticut Reserve, been sold to actual settlers, or had the lands within the Virginia military district, been located and possessed by citizens of this state, these grants of school lands would undoubtedly have operated in their favor; and so far as these lands were owned and possessed by citizens of this state, these appropriations enured to their benefit. These grants being made for the use of those districts, the proprietors, whoever they were, undoubtedly received the benefit of those donations; and at the time these grants were made, which was March 3d, 1803, not more than one tenth of the Connecticut Reserve, and less than one third of the Virginia military district, were owned by citizens of this state. So far as the grant of school lands for the use of the Virginia military district operated to enhance the value of lands within that district, and thereby induce the holders of warrants, to locate them within this state rather than in Kentucky; its operation was beneficial to that state, by leaving within her limits a greater quantity of unappropriated lands, subject to the control and disposal of her legislature.

From this view of the subject it manifestly appears that the citizens of Ohio have actually paid for all appropriations of school lands made in their favor, with the exception perhaps of a small proportion of the amount granted for the benefit of the Connecticut Reserve and the Virginia military district.

In this statement we have not adverted to the equivalent which Ohio, as a state, has paid to the United States, by exempting from taxation, lands sold to them five years after the sale; the benefit of which exemption as accrued directly to the United States, by its obvious effect on the price of public lands. This exemption as the Governor in his message has conclusively shown, is a treble remuneration for the three per cent. fund, and all other grants made by the United States in our favor. It is perhaps unnecessary here to call in question the authority of the convention, (who were elected for the sole purpose of forming a constitution for this state, if they deemed it expedient, and of accepting or rejecting certain

propositions previously made by congress), to submit to congress other propositions of a different nature. For, though we believe those propositions resulted from a mistaken policy, we are not disposed, after so long an acquiescence, to dispute their obligation, or complain of their hardship. But we may well protest against being still considered debtors, when we have paid a three-fold price for all appropriations made by congress for our benefit.

But there is another view of this subject to which your committee beg leave to call the attention of the senate. The claims set up in the Maryland report, seem, in some measure, to rest on the following propositions: "That, before the war of the revolution, and indeed for some years after it, several of the states possessed within their nominal limits extensive tracts of waste and uncultivated lands:" That "these states were all at that epoch, regal and not proprietary provinces; that the Crown claimed the right, and was either directly or indirectly in the habit of granting those lands:" That this claim was at least tacitly acceded to by the colonies; and "that these lands might therefore with strict propriety, be called the property of the Crown:" That "the property and jurisdiction of the soil" of these vacant lands were acquired by the common sword, purse and blood of all the states, united in one common effort" That Great Britain, at the close of the war, "surrendered her right of property and jurisdiction, to the United States collectively:" That therefore these lands ought justly to be considered as the common property of the Union. Admitting these propositions to be correct, it seems to your committee conclusively to follow, that this claim extends equally to all the vacant and unsettled lands within the United States at the close of the revolutionary war, as well to those within the present limits of the original states, as to those without or beyond those limits. Your committee do not here take into view the lands purchased of France or Spain, because we conceive they do not necessarily affect the question about to be discussed, nor the right acquired by the United States, in consequence of acts of cession made by individual states, which will be a subject for subsequent consideration.

In order to a better understanding of the questions involved in the subject under consideration, it may be important to notice briefly, some historical facts.

At the commencement of the revolutionary war the original states, then colonies of Great Britain, claimed their political existence, and their jurisdiction over the territory included

within certain limits, by virtue of grants or charters derived from the crown. Some of the colonies, at that epoch, included within their chartered limits, large tracts of vacant and unappropriated lands; of this number were Massachusetts, Connecticut, New-York, Pennsylvania, Virginia, North and South Carolinas and Georgia. The territorial claim of these colonies under their respective charters, were in many instances conflicting with each other; two or more of the colonies frequently claiming the same tract of country, as coming within the limits of their charters. These charters were moreover extremely uncertain, their boundaries being so inaccurately and vaguely delineated, and founded on geographical information so erroneous, that no person can now presume to attach to their descriptions any definite meaning. But a circumstance still more remarkable, and which would go far to render any claim founded on those charters at least doubtful, is that those charters, with the exception, perhaps of those of Massachusetts, Connecticut and Pennsylvania, were surrendered or vacated, revoked or merged in the crown long before the revolutionary war. The colonies, or states of New-Hampshire, Rhode-Island, New-Jersey, Delaware & Maryland included, within the limits of their respective charters, at the period of the revolutionary war, comparatively small tracts of vacant lands, and some of them perhaps included none.

Soon after the declaration of independence these claims of some of the states to the large tracts of waste and unsettled lands, which fell within their assumed limits, seemed to have formed a ground of complaint and dissatisfaction, on the part of those states whose territorial limits did not include an equal proportion of those vacant lands. While the latter states, looked with apprehension and jealousy on the preponderance which the former states would derive from the immense increase of wealth and population incident to a widely extended territory, they viewed these extensive tracts of unappropriated lands, as a common fund, acquired by the joint exertions and sacrifices of the whole confederacy, and which justice demanded, should enure to the equal benefit of all the states. Congress, actuated by the same views, to use the language adopted in the preamble of an act of cession of North Carolina, "repeatedly and earnestly recommended to the respective state in the Union, owning vacant western territory, to make cessions of part of the same."

In conformity with these repeated recommendations of congress, and influenced, no doubt, by a sense of justice and spirit

of conciliation peculiar to those days, the states claiming the most extensive tracts of vacant lands, did at various times, make cessions to the United States of such part of those lands, as were not included within their present limits, with some important exceptions, and subject to various limitations and conditions.

The states making these cessions, in all cases, reserved to themselves the ownership of all unappropriated lands within their present respective limits, subject in some instances to the unsettled claims of other individual states.

Massachusetts moreover reserved to herself the ownership of all the unsettled territory included within the limits of the district now forming the state of Maine, and the ownership of soil of a large tract of country within the limits of New-York. Connecticut also reserved the ownership of a tract of country, bordering on the south shore of lake Erie, and which is more than equal in extent to the whole state of Connecticut. Virginia reserved the jurisdiction and ownership of soil, of all that territory, which now forms the state of Kentucky, and the ownership of the whole country between the Little Miami and the Scioto rivers in Ohio, or so much thereof as might be sufficient to satisfy the grants made to her citizens for revolutionary services. North Carolina reserved within the territory ceded by her the ownership of soil, of so much thereof as might be necessary to satisfy grants made to her citizens, of a similar nature to those made by Virginia. And Georgia required, as a condition of ceding her claim to the territory west of her present limits, the payment of 1,250 dollars out of the avails of the first sales of lands ceded, and that the United States should extinguish the Indian title, to an immense tract of country within the present limits of that state; and moreover make an appropriation of part of the lands so ceded for the purpose of satisfying and quieting certain claims of individuals derived from the state of Georgia to part of said lands. Conditions relating to the disposition of the territories ceded, and the rights of the people inhabiting, and the states to be formed within those territories, were also attached to the acts of cession of Virginia and the other states making the largest cessions, some of which conditions we shall have occasion hereafter to notice.

Thus we see, that the states of Massachusetts, Connecticut, New-York, Pennsylvania, Virginia, North Carolina and Georgia have claimed and been permitted to retain, and appropriate for their sole benefit, immense tracts of vacant lands, which

to use the language of the Maryland report, "were acquired by the common sword, purse and blood of all the states, united in a common effort," while those states whose limits included little or no unappropriated territory, have been deprived of an equal participation in the benefits resulting from their united efforts.

Justice on the contrary, would have required, that all the waste and unsettled lands, within the United States, at the date of our National Independence, as well those within the present limits of the original states, as beyond those limits, should have been considered as the common property of the American people; for all were alike acquired by the common exertions and sacrifices of the whole nation, and no individual or community could justly have claimed a greater share or proportion, than what had been actually purchased and reduced to possession.

The people of the United States, at that period, may, with respect to this question, be considered as one great community, having equal rights and privileges, and entitled to share equally in the benefits as well as the hardships and sufferings resulting from the contest in which they were engaged. As the provinces "were regal, and not proprietary,"—in other words, as they had no just claim, to the ownership of the vacant lands within their limits, it would seem to follow, that the citizens of one state could have no better claims to unappropriated lands, than citizens of another. For it will not be contended that the people of those states, which included within their nominal limits vacant lands, bore a greater share in "the heat and burthen of the day," in proportion to their numbers, than the people of those states, whose boundaries included no such lands.

Notwithstanding the inequality and injustice of a contrary doctrine, and notwithstanding the indefinite and conflicting nature of the tenures under which they held; many of the states claimed, not only the waste and unappropriated lands, within their present limits, but also large tracts of vacant lands beyond those limits. These claims, as we have seen, were derived from royal charters, most of which had been long before revoked, surrendered or merged in the crown. But, at this day, and in this country, we may be permitted to question the original rights of the crown of Great Britain, to the immense regions, which now form the American republic, which, at the time those grants were made, were inhabited by independent nations, whose country had never been traversed, and

whose very names were unknown to kings, who so liberally bestowed what they never possessed. And for free and independent states, to build their claims on the grants of sovereigns, whose rights they deny, and whose authority they disclaim, requires a course of subtle reasoning, which it is difficult to comprehend. But, to found those claims on charters which have long since been surrendered or revoked, appears still more preposterous.

Admitting that the people of several colonies, at the moment of dissolving their connexion with Great Britain, formed themselves into sovereign, independent communities or states; it is difficult to ascertain by what right they assumed to themselves boundaries beyond the limits of the territory, actually possessed or occupied, by the people of each state; or by what authority they claimed the ownership of the soil, within those assumed limits, which was still waste and unoccupied, except by the natives. Should it be said, that they had a natural right to assume to themselves such limits as their own moderation or their ambition might dictate, or that they still leaned on the broken reed of royal authority, to define their limits, and should it be asserted that the ownership of the soil within those limits or the pre-emption right thereto, is an inherent right, a necessary appendage of their sovereign characters, (and we can conceive of no other source, from whence those claims of the original states can be derived), it then follows, that the same inherent rights and appendages of sovereignty appertain to the states since formed, and which are equally sovereign and independent. For conceding the proposition that it is incompatible with the character of a sovereign state, that other states should hold lands within its limits, without its consent; and this doctrine is distinctly recognized, by admitting that the crown of Great Britain owned, and had the right of making grants of vacant lands, within her American colonies; or by admitting that such of the original states as included within their boundaries, vacant lands, held those lands at the time of becoming independent, as a necessary prerogative of sovereignty; the conclusion from these premises, that the new states have an indisputable claim, to all the unappropriated lands within their respective limits, appears to us unavoidable; unless it be denied that they are equally sovereign and independent.

The principles here advanced, have been successfully asserted by the states of Kentucky and Tennessee, in the controversies between those states, and the states from whose ter-

ritories they were formed, relative to the ownership of vacant lands, within the limits of those newly formed states. The same principle has been recognized by the United States, in an arrangement made between the United States and Tennessee, relative to vacant lands in the latter state.

Again, if it be conceded that the original states which have made cession of extensive territories to the United States, had a just claim to the lands or territories so ceded, which fact is tacitly admitted on the part of the United States, by requesting and accepting those cessions; it follows that those states had an undoubted right to attach to their several acts of cession such conditions as they deemed proper. Conditions were accordingly attached to the act of Virginia, ceding to the United States, the territory north-west of the river Ohio; and which now composes the states of Ohio, Indiana, Illinois and the North Western and Michigan territories. One of which conditions was, to use the words of the act of Virginia of 1783, which, after describing in what manner, states were to be formed within the ceded territory, provides "that the states so formed shall be distinct republican states, and admitted as members of the federal union, having the same rights of sovereignty, freedom and independence, as the other states." Or, in the words of an act of the same state, of 1788, reciting the 5th article of the ordinance of Congress, of 1787, which provides that "whenever any of the said states shall have sixty thousand free inhabitants therein, such state shall be admitted by its delegates into the Congress of the United States, on an equal footing with the original states, in all respects whatever, and shall be at liberty to form a permanent constitution and state government." Similar conditions were affixed to the acts of cession of North Carolina and Georgia. It would be difficult to find words more definite or significant in their import; or expressions which would guarantee to the new states, a more complete equality with the old, than those used or adopted in the acts of cession, to which we have referred. We may then well question the authority of Congress, to impose on the people of those states, so to be formed, as conditions of their assuming the character of distinct independent states: any terms which would circumscribe their rights of sovereignty, within narrower limits than those enjoyed by the original states. For, we cannot admit, that the privileges secured to the states to be formed out of the territory ceded by the conditions above recited, were abridged by that provision in the act of cession of 1783, which provides for the disposition

of the lands ceded, and is in these words: "that all the lands within the territory so veded, to the United States (except as therein excepted), shall be considered as a common fund for the use and benefit of such of the United States, as have become or shall hereafter become members of the confederation or federal alliance of the states, Virginia inclusive; according to their usual, respective proportions, in the general charge and expenditure; and shall be faithful and bona fide disposed of for that purpose, and for no other use or purpose whatsoever." This provision, as we conceive, can only relate to any disposition which the United States might make of the lands within that territory ceded, before the states to be formed within that territory should assume the character of sovereign states—or to such disposition, as the states so to be formed, might, by fair and voluntary compact, permit the United States to make, of the vacant lands within their respective limits. A different construction would be incompatible with that fundamental provision of the same act of cession which provides, that "the states so formed shall have the same rights of freedom, sovereignty and independence, as the other states," one of which rights of sovereignty, claimed and exercised by Virginia herself, was the ownership of all the vacant lands within their respective limits. Such a construction would also be inconsistent with that enlightened and liberal policy which governed the state of Virginia, in extending to Kentucky equal privileges, in respect to the vacant lands, remaining at the time of their separation, with those which she herself enjoyed. Nor can it be supposed that Virginia would willingly permit the United States, to exact from the states, to be formed out of the territory ceded by her, more rigorous terms than those required by her of Kentucky. But this provision of the act of cession of Virginia, can by no possibility be so construed as to take from the states, to be formed out of the ceded territory, the right of taxing the lands of the United States within their jurisdiction.

It may be contended that the states formed out of the national territory, have by solemn and express ordinance or compact with the United States, agreed to relinquish all claims to the ownership of the soil, and the right of taxing the lands of the United States within their respective limits. How far this assertion may be true, as it relates to the other states formed out of territories ceded to the United States, your committee are not prepared to determine; but after a diligent search, we are able to find no such compact on the part of

Ohio. The convention which formed our constitution, it is true, agreed, upon Congress acceding to certain modifications of the terms which had been previously proposed by Congress, for the free acceptance or rejection of the convention, to relinquish in behalf of the state, the right to tax lands which might be sold by the United States for five years after they were sold. But admitting that the Convention who were elected, to accept or reject certain propositions, and not to propose other terms or modifications; had the power of binding the people of the state of Ohio, by that agreement or ordinance, still this act goes no further than to relinquish the right of taxing the lands sold by the United States, for five years after the sales. The ordinance of congress of 1787, we acknowledge, provides that the legislatures of those districts or new states, therein described, "shall never interfere with the primary disposal of the soil by the United States," &c., and "shall impose no tax on lands, the property of the United States." Part of this ordinance purports to be "Articles of compact between the United States and people of the North Western Territory, and the states to be formed therein." But how a compact, which is, in other words, an agreement, and which necessarily supposes at least two contracting parties, whose assent is, in all cases, necessary to its validity, can be made by the sole act of one party, we cannot comprehend; and we presume it will never be contended, that either the people of the territory, which now forms the state Ohio, or the state itself, have ever expressly assented to those provisions, of the ordinance of 1787. Nor do we admit that congress had authority to pass an ordinance containing the provisions above recited, and thereby abridge the sovereignty of the people, after they should have formed themselves into states. The enactment of this ordinance necessarily supposes that the states to be formed within the North Western Territory, if "admitted on an equal footing with the original states," and "having the same rights of sovereignty, freedom and independence," would have the "right to interfere with the primary disposal of the soil,"—in other words, might claim the ownership of the soil, and would also have "the right to tax lands, the property of the United States;" else, where the necessity of passing such an ordinance? If the ordinance in question, had the effect to circumscribe the "rights of sovereignty" of the states to be formed within the territory north-west of Ohio, within narrower limits than those enjoyed by the original states, its provisions, as we conceive, were not only impolitic and unjust,

but were inconsistent with the fundamental conditions contained in the act of cession of Virginia, and therefore in no way obligatory.

Should it be said that the people now inhabiting the states formed within the territory ceded by Virginia, emigrated to this territory and settled within its limits, under the ordinance of congress, with the provisions of which they are presumed to have been acquainted; and that they have therefore agreed to the compact therein set forth and declared. This inference is avoided by replying, that the people may, with equal truth, be presumed to have been apprised of the rights guaranteed to them by the act of cession of Virginia, and by the constitution of the United States, the latter of which provides, "that nothing in this connection shall be so construed as to prejudice the claims of the United States, or of any of the individual states," thereby leaving all controversies, relative to conflicting claims, to be settled by the same rules of decision which had governed question of a similar nature between the original states, or between any state and the United States. By no clause of the constitution of the United States have the individual states surrendered the sovereign prerogative of claiming all unappropriated lands within their limits; this right, therefore, appertains to them now, if they ever enjoyed it, and appertains to all the states alike, if all are equally independent.

However these questions, which it may be said are strictly questions of right, may be determined, we conceive their decision can in no wise affect any equitable claim which the new states may have to an equal participation in the benefits accruing from the vacant or unappropriated lands, the joint property of the people of the United States. These new states are now members of the same confederacy whose bonds of union & mutual benefit embrace their older sisters. They do stand, or ought to stand on the same footing with the original states; they are, or ought to be equally free, sovereign and independent; and as such, entitled to all the attributes and appendages of sovereignty which the old states are permitted to enjoy.

The citizens of the new states are members of the same great community, which includes the citizens of the old, and as such are justly entitled to an equal participation in all the benefits resulting from the confederation, and which grow out of a community of interest. To deny this would be to create an invidious distinction, equally impolitic and unjust; a distinc-

tion calculated to foment sectional jealousies; to produce discontent and animosity among the several states; and finally to dissolve the ties of mutual interest and regard, which bind us together as a nation.

Let us then recur to the facts connected with this view of the subject. We have already seen that the states of Massachusetts, including Maine, Connecticut, New-York, Pennsylvania, Virginia, North Carolina and Georgia, have retained large tracts of vacant lands, after the cession made by them to the United States, which lands, as well as those ceded, justice requires, should be considered as common property of the Union. From these lands have been derived funds sufficient for the entire support of schools, where they have been judiciously managed, and appropriated to that purpose. They have, moreover, been sufficient in some of the states to provide in some measure, for the ordinary expenses of their government, thereby partially relieving their citizens from taxation. We admit that the states of New-Hampshire, Rhode Island, New-Jersey, Delaware, Maryland, and perhaps South Carolina, have not been admitted to an equal participation in those lands, which justice requires should be considered the common property of the Union. But their having received less than they were entitled by justice to demand by no means proves that the new states have received more. The original states, including also Kentucky, have in the aggregate, participated in those lands to a much larger extent than the states which have been formed within the territories ceded to the United States. Your committee have not been able to obtain the requisite information, to enable them to form an accurate estimate of the amount of vacant lands, which were at the close of the revolutionary war, included within the present limits of the original states; and which have been appropriated by those states solely to their own benefit. The probable aggregate amount, however, exceeds one third of the whole amount of territory, comprised within the limits of those states. On the other hand, the appropriations made in favor of the states in which appropriations of school lands have been made, even admitting those school lands were gratuitous donations, amount to only one thirtieth part of the lands contained within their respective limits. Thus it appears that those states which in the Maryland report, are termed "favored states," have in the aggregate, received of the public funds only one tenth part of the amount to which, upon principles of equal justice, they are entitled. Where, then, we may demand, are

the exclusive privileges which have been extended to the new states, (Kentucky excepted), and upon which the claims of the original states to an appropriation of public lands in their favor, are founded? While many of the old states have derived from their vacant lands, immense funds to aid in the promotion of learning, in the prosecution of plans of internal improvement, and in defraying the expenses of their governments—and, while all have reaped the benefit of their soil being owned by their own citizens, and being subject to contribute to the expenses of their governments, the new states, Kentucky and Tennessee excepted, have not been permitted to own one foot of the soil, within their jurisdiction: they have been compelled in their infancy to support their governments, and make necessary improvements, solely by levying taxes on their citizens, and have even been denied the right of taxing lands within their limits. Admitting the right, we cannot see the policy of thus denying to the new states a participation in the advantages which the old states are permitted to enjoy.

It may be said that the new states had no political existence at the period of the revolutionary war; that they bore no part in the expenses or dangers of that struggle, which terminated in our national independence, and are therefore entitled to no participation in the vacant lands, which were acquired by the joint exertions of the original states. To consider the question fairly, it is necessary to lay out of view for a moment, those imaginary political beings, the individual states, and consider the whole American people as one great community, by whose united exertions, our national independence and all other benefits resulting from the contest, in which they were engaged, were acquired. If this view of the subject be correct, it follows as a fair inference from these premises, that each individual of that community, was justly entitled to an equal participation in that independence, and all other benefits and privileges acquired by their common efforts. We would then ask, whether the citizens of the new states were not at that time, and whether they are not still, members of that community? Did not they or their fathers, bear an equal share in the sacrifices, sufferings and exertions of that day; did they not fight as bravely, bleed as freely, and open their purses as generously as did their fellow-citizens, who have remained within the limits of the states which gave them birth? And have they not ever since been as ready to step forward in defending the rights and avenging the wrongs of our common country? Are they not liable to contribute in an equal propor-

tion to the reduction of the national debt, and all other burthens, which the nation may be subject to bear? Where, then, is the justice, where is the policy of withholding from the citizens of the new states, the equal enjoyment of all the advantages which were derived from the common efforts of all? Or have they lost their birth-rights, and become disfranchised by emigration to the new states and submitting to the hardships and privations of a new country? And let it be remembered that the citizens of the new states are not colonies of foreigners, who have no right to claim the privileges of American citizens.

Upon principles of equality, justice and sound policy; the new states may then demand that all the vacant lands within the limits of the United States, at the close of the revolutionary war, should be considered as the common property of the nation; in which every state has an equal right to participate; with strict propriety might they say: "let our elder sisters, who have already received such enormous dowries, bring them into common stock; let their vacant lands be estimated; let the new states as well as the old, who have received no part of these lands, come in for their proportionate share; and we will agree to an equal distribution of this public fund, to any extent which sound policy may dictate."

The committee of the senate of Maryland have skilfully kept out of view the vast tracts of waste and unsettled lands which fell within the present limits of the original states, but which, upon their own principles, ought to be considered as common stock. It would have accorded but ill, with the view of a committee, who boast of having secured in their interest, more than two-thirds of the states, and a still greater proportion of their representatives; to have agitated questions calculated to disunite a confederacy so overwhelming.

In dissolving the political connexion which existed between the people of the states of Massachusetts and Maine, a fair and equitable division of the unappropriated lands, the common property of both, is believed to have taken place. It is also believed that Kentucky, on the separation from Virginia, retained most, if not all the vacant lands within her limits, which had not been previously appropriated. These vacant lands will afford, to each of these states, ample funds for the promotion of literature, and other purposes; while the states formed from the national territory, have been set off comparatively portionless. The soil of the latter states being owned by the United States, or by non-resident individuals or communities,

occasions a continual drain of money from these states, and among other causes incident to their situation, tends to produce that extensive embarrassment, which pervades their financial concerns, notwithstanding the industry, enterprize and frugality of their citizens, and the luxuriance of the soil which they cultivate.

No good reason can be assigned why the United States should require of the states formed within their territory, more rigorous and illiberal terms, as conditions of their assuming the character of sovereign states, than those required by Virginia and Massachusetts, of the states formed out of their territories. We believe the United States were not less able to be generous; and sound policy would surely have dictated a course, not calculated to create invidious distinctions, and subject some of the members of our confederation to endless embarrassments, from which others are perpetually exempted.

From the view we have taken of this interesting subject, your committee conclude, that if it be conceded that the vacant lands within the United States, at the close of the revolutionary war, were justly the property of the American people, considered as one great community, the claim extended equally to the vacant lands within the present limits of the original states. The inference then is irresistible, that the new states, as well as the old, being members of the same confederacy, and the citizens of the new states, as well as of the old, being members of the same community, have a right to participate equally in the whole of those lands; and justice requires that the whole be considered as a common fund for that purpose. If, on the other hand, it be admitted that the original states justly claimed and held all the vacant lands within their respective limits, as a right incident to their charter, as sovereign states; it follows as a fair deduction, that the new states have the same right to claim and hold all the vacant lands within their respective limits; unless it be denied that they are equally sovereign and independent, with the original states; a denial equally inconsistent with justice and sound policy.

Your committee are unwilling to dismiss this subject, without advertng to the plan of distribution proposed by the Maryland report; which we conceive, to be doubly inequitable.

Upon the grounds assumed as the foundation of their claims, that the several states are entitled to an equal participation to the public lands, because they have all aided in acquiring this joint fund, it would seem a fair inference, that each state

should be entitled to share in this fund in proportion to its relative to population, as this is the only criterion known in the constitution, for the distribution of national burthens. The original states are, in relation to their comparative extent of territory, less populous, in proportion to the quantity of vacant lands included within their respective limits. But these immense tracts of vacant lands, which they have already received out of funds purchased by the blood and treasure of all; is, by the plan proposed, in that report, made the basis of a claim, by which they are to demand, in an increased ratio, for what has already been given. To illustrate this position, let us take as examples the states of Connecticut and Georgia containing each a federal population, not very unequal: upon the plan proposed in the Maryland report, Connecticut would be entitled to an appropriation of about 100,000 acres; whilst Georgia, which has already received from the common fund, as we contend, the vacant lands within her present limits, to the amount of 25 and probably 30 millions of acres, would be entitled to demand an additional appropriation of 1,300,000 acres. Thus her having received from the common fund, acquired by the joint exertions and sacrifices of all the states, an appropriation, sufficient to endow liberally the most extensive university on the globe; and if judiciously managed, to exempt her citizens forever from taxation for the ordinary expenses of the state government; instead of cancelling her demand, is made the basis of a claim still more exorbitant than she would be entitled to advance, if she had received nothing.

Nor can the proposed plan be defended upon the supposition that the states will eventually contain a population proportionate to the relative extent of their respective territories; for such a supposition is manifestly at war with the inferences to be drawn from existing facts and the dictates of rational probability.

The effect of the proposed plan would also be injurious to the new states. To permit the original states to hold large tracts of land within the limits of the new states, might be extremely detrimental to the interest of the states within whose jurisdiction those lands should be situated. Should those lands be held out of market until the states owning them might be induced by the enhanced value, owing to the improvements made in their neighborhood to make sales; it would naturally retard the progress of settlement and improvement. And should these lands be leased by the states owning them, the necessary operation would be to make the states within whose limits they

were situated in a manner tributary to those states by which the title might be held; and thereby greatly increase the evils already experienced by the new states, in consequence of their lands being owned by non-resident individuals or communities. Permitting one state to own a large proportion of the lands within the limits and jurisdiction of another, might also produce controversies in which the questions of rights and sovereignty would be involved, and give birth to conflicting claims and interests between the several states, of the most important and dangerous nature.

We should not have anticipated from an enlightened and intelligent committee, who demand justice from the new states, and appeal to their liberality; an intimation of the superior power of the states which have not, as they contended, been admitted to an equal participation in the public funds with those states which they term favored. Nor a suggestion "that if they are true to their own interests, they have nothing to fear." If power alone or interest, is to decide the question, where the necessity of appealing to argument; and why that useless display of subtle reasoning, for which that committee seem to have put in requisition the whole force of their superior talents? Should the states, attempted, in said report, to be arrayed in support of the claims therein set up, be determined to enforce those claims by numerical superiority, the new states must submit, however unjust or ill founded, those pretensions may be. But did we not disapprove and deprecate an appeal to similar motives and passions, we might, possibly, without the aid of inspiration, point with a prophetic finger, to the time when the relative numerical strength of the parties will be changed; and say, "with what measure you mete unto us, with the same shall it be meted unto you." We would, however, fain believe that the force of truth and equity, though wielded by only "seventeen," will be found sufficient to contend successfully with the interested claims of "one hundred and sixty-nine." when founded in error.

The Maryland report, while it professes to be friendly to the advancement of intellectual improvement in the western states, expresses a jealous apprehension that the people of those states, in their progress to literary and scientific eminence, will outstrip the people of the Atlantic states and thereby obtain an undue influence in the councils of the nation. We cannot forbear expressing our surprise that an intelligent and liberal mind should entertain fears of the undue influence of moral or scientific improvement. But we do not hesitate to

affirm that all apprehensions on this subject will vanish on a careful investigation of the relative advantages enjoyed by the eastern and western states in this respect. The schools in most of the old states are liberally endowed or supported by funds derived from royal or private grants, or from vacant lands. The literary institutions in the new states can never entertain a reasonable hope of being thus liberally endowed or supported unless those states can successfully assert their claims to part, at least, of the vacant lands, within their respective limits. The school lands in these states have, as yet, been very unproductive; and while the legislatures of the states in which they are situated are restricted by the conditions attached to those grants, they must ever be so. Indeed, it may well be doubted whether more money has not been spent in legislating on the subject, than the whole amount derived from those lands.

Your committee are aware that they have travelled over ground, and attempted to investigate questions which at first view, may not seem to fall within the province expressly assigned them. They, however, thought it necessary, in order to a full examination of the questions, immediately or incidentally involved in the subject under consideration. Since the question of the relative rights and privileges of the several states has been agitated, it is desirable that a full and not a partial view may be taken of the whole ground; and though the committee have spun out their report to an unusual length, they are sensible that they have left many arguments in favor of their theory unnoticed.

We are sensible that the new states may have been heretofore considered by some, and perhaps may have considered themselves as minor children, who ought to feel no other sentiment than gratitude for their political existence, and who have no right to express even an opinion, which might involve even incidentally the correctness of any claims of their elder sisters. It may, however, be important to the future welfare and prosperity of the new states, to know on what ground they stand: and all questions which are calculated to create jealousy and give birth to conflicting interests, among the several members of our national confederacy, cannot too soon be settled on a satisfactory and permanent basis.

Your committee have endeavored to give to the subject that attentive and impartial consideration which its importance merits. They have, in the course of its investigation, referred to all the grants, charters, acts of cession, ordinances

and other public documents within their reach, calculated to throw light on the subject, and lead to a correct result; and after the most mature deliberation which time and circumstances would permit, they, with much deference, submit the foregoing report, and recommend the adoption of the following resolutions:

Resolved by the General Assembly of the State of Ohio, That the claim advanced in the report and resolutions of the General Assembly of Maryland, to an appropriation of public lands, in favor of the original states, and also Kentucky, for the support of schools, upon the assumed ground that donations of school lands have been made in favor of the new states (Kentucky excepted), is ill founded and therefore unjust.

Resolved, That should any appropriation of public lands, or monies arising from the sale of lands, be made by Congress, for the support of schools, or for other state purposes, those appropriations should be extended in just proportions to all the states alike, and that in making such appropriations, justice and sound policy require that all vacant lands within the United States, at the close of the revolutionary war, including those within the present limits of the original states, be taken into consideration.

Resolved, That this General Assembly deem it inconsistent with the rights of state sovereignty, that one state should hold lands within the jurisdiction of another without the consent of the states within whose limits such lands may be situated.

Resolved, That this General Assembly would cheerfully concur in any appropriation of monies arising from the sale of public lands for the encouragement of learning, which should be justified by sound policy, and be conformable to principles of justice and equality.

Resolved, That his excellency the Governor be requested to transmit a copy of the foregoing report and resolutions to each of our Senators and Representatives in Congress; and a copy to each of the Governors of the several states and territories, with a request that they be laid before the legislative bodies over which they respectively preside.

Executive Office.

Columbus, Ohio, January 21st, 1822.

Sir—Agreeable to a Resolution of the Legislature of this state, I have the honor to transmit to you, the foregoing report and resolutions, with a request that the same may be

laid before the Legislature of the state over which you preside.

I have the honor to be,
Your most obedient,

ALLEN TRIMBLE,
Speaker of the Senate, and acting Governor of Ohio.

To the Assembly with the Report of the Adjutant General for 1822.

Gentlemen,

I HAVE THIS DAY APPROVED AND SIGNED the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the House of Representatives, in which they originated, viz.

* * * * *

I have also directed to be laid before you, copies of a detailed report of the Adjutant General, of all the returns of militia made to him, in which the number in each regiment and brigade, and the number and kind of volunteers attached to the same, are particularly designated: copies also, of the returns made by that officer, of the number of pieces belonging to the ordnance department, and also, of the number of muskets, rifles, and various accoutrements and camp equipage, and the state of repair in which they severally now are. I have also directed copies of his letter to be submitted, with the other papers, it appearing to me to contain statements and observations which may be highly important in a revision of the militia system.

JOSEPH HIESTER.

February 13, 1822.

DOCUMENTS.

His Excellency, Joseph Hiester, Governor of the Commonwealth of Pennsylvania:

Sir—I have the honor of submitting a report of the strength of the militia, and a return of the ordnance, camp equipage

and military stores, the property of the Commonwealth, deposited in the State Arsenals, or in the hands of the volunteers, and in charge of the Brigade Inspectors.

The report has been delayed until the present time, in the hope of rendering it more complete, by including the returns of all the brigades, three of which I have received only within a few days.

On the 1st November, I forwarded to each Brigade Inspector, the blank form for his brigade return (a copy of which I enclose marked A.), with a letter requiring, as soon as possible, an accurate statement of the strength of the brigade, and the number and quality of the arms under his charge. It is with regret that I am compelled to state that but very few of them complied with this application; and it was not until after I had forwarded numerous letters to the others, during the months of December and January, that I could procure even partial returns from them. Several of them referred me to their predecessors, as the proper persons to apply to for the returns. The Inspector of the 2d brigade, 1st division, has not yet sent me any return, although I have applied for it ten different times. I have enclosed several of the returns of the Brigade Inspectors (marked B.), to show how little regard those officers have paid to the form sent to them, and the obvious inaccuracy of their reports; in several brigades they have merely estimated the probable strength, without reporting any arms or public property. In justice to several of those officers, it must be stated, that they have but lately been commissioned; and in some instances, their predecessors would not, or could not, deliver to them any returns or statement of the strength or condition of their brigades: indeed, in one brigade, the latest return on file was dated 1811.

In the report of the ordnance, the number of field pieces differs from the returns heretofore made; nor have I any means of ascertaining the exact number or condition of those pieces, until the Brigade Inspectors shall be compelled to perform their duty. In a report of the Adjutant General, dated December 15, 1812, the number of field pieces is stated at 34; viz., 2 brass 12 pounders, 27 brass 4 pounders, and 5 iron 6 pounders. From the late adjutant general, I have not yet received any return, as repeated applications have hitherto failed to procure the papers belonging to the office. By the present returns the number amounts to 40 pieces, including 7 heavy old iron guns, not mounted nor fit for service, and not included in the report of 1812.

The brass pieces are generally in very bad condition, and few of them can be reported fit for service until remounted. Lieutenant Colonel Provost, commandant of the Philadelphia Artillery, a scientific officer, whose judgment may be relied on, states that two 12 pounders are so worn out as to be totally unserviceable; that a sixteen pound ball might roll down half way to the chamber; and that the brass 4 pounders are so much worn out and honeycombed as to be very uncertain in their fire.

By an act of Congress, March 2, 1821, it is ordered "That the system of general regulations for the army, compiled by Major General Scott, shall be, and the same is hereby approved and adopted for the government of the army of the United States; and of the militia, when in the service of the United States;" The 68th article of those regulations directs that the artillery for field service shall be 12 and 6 pound cannon and 24 pound howitzers.

As incalculable disadvantages would arise in actual service, from a want of uniformity in calibre, ammunition and implements, I beg leave respectfully to suggest the propriety of having those 4 pounders bored into sixes. The weight of metal is sufficient to admit of this diminution with perfect safety, as those pieces weigh from 580 to 680 lbs., and the most approved English brass 6 pounders weigh from 578 to 637 lbs. The diameter of the calibre of a six pounder is 3.668 inches, and the diameter of a four pounder is 3.315 inches; so that even if the bores were uninjured the alteration would enlarge the diameter but about one third of an inch, or a scale of one sixth of an inch, which is but little more than would be requisite to make them smooth. Six of those pieces were bored into six pounders, during the late war, and the officers of artillery concur in the safety and propriety of the alteration of the remainder, which can be effected at an expense of twenty dollars for each piece.

It appears there is not a single caisson belonging to the state, so that in an emergency not a round more of ammunition could be carried to the field than is contained in the small ammunition chest.

In the report of the muskets and equipments, I have also to regret, Sir, that the returns are very far from being satisfactory, as many of the muskets, returned as good, have not been seen by the Inspectors who report them, nor do they even know in whose possession they are. One Inspector reports 100 muskets, which, he states are in goods order, except

that they are rusty; and several of those officers, as will appear by the return, have not reported a single musket, color, drum or rifle, in their brigades. The Inspector of the first brigade, fifth division, in reply to my repeated applications to him, informs me that "he cannot give me any satisfactory information on the subject of the arms, until the parades in the spring, without going to a great deal of unnecessary trouble." (A copy of his letter is enclosed, marked D.)

My return will exhibit the manner in which the public arms and equipments are distributed amongst the brigades; or rather, the imperfect manner in which they have been reported to me by officers who receive ample compensation for a light, but important duty.

By a return of the Adjutant General, dated Decem ber 15, 1812, the arms, public and private, in the hands of the militia and volunteers amounted to, ..	33,366
In the years 1813 and 1814, the state received from the United States 10,085 muskets and 1,380 rifles,	11,465
	<hr/> 44,831

At present the total number of arms reported, public and private, amounts to,	28,465
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Deficiency, or loss, or unaccounted for,	16,366
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But as it is possible that a greater number of private arms might have been included in the former report, I beg leave to present another view of this subject:

By a return of the late Adjutant General, dated March 15, 1820, the muskets amounted to,	29,483
At present the total number reported amounts to, ..	23,572

Deficiency in the last two years,	5,911
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In 1820 the muskets reported in good order amounted to,	16,803
At present the muskets reported in good order amount to,	14,322

Good muskets, unaccounted for, in two years,	2,481
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On the above facts, Sir, it is unnecessary for me to make any comments; I will merely take the liberty to state, that the cost of those muskets is 13 dollars each; and, that I fear this ruinous (and, in time of peace, unparalleled), dissipation of

public arms, will continue, until the Brigade Inspectors shall be brought to a rigid performance of their duty; and until officers commanding volunteer corps, shall be obliged to give sufficient security for the safe keeping and return of all arms and accoutrements entrusted to them. By the regulations for the army of the United States, every part of the arms and accoutrements is priced; and any part lost, or destroyed, by the negligence of the soldier, is deducted from his pay.

The 39th section of the militia law, after enacting "That the discipline, uniform and equipments of the militia of this Commonwealth shall be the same as that prescribed for the army of the United States, Provided, That the volunteer corps shall uniform and equip themselves in such manner as they think proper, but conforming as nearly as may be in their equipments to the same kind of corps in the army of the United States."

A construction has been drawn from this proviso, in my opinion not justified by the spirit of the law; and numerous associations have been formed calling themselves volunteers; but as the Brigade Inspectors state, without any pretensions to an uniform dress; not even wearing coats or hats of the same shape or color. These associations demand arms, and the Brigade Inspectors have applied to me for instructions on this subject. If arms are to be issued to those companies, the facility with which they can be formed and as readily dissolved will ensure the complete dispersion of the remainder of the arms at present in the State Arsenals.

Amongst the arms reported in the State Arsenal at Philadelphia, there are upwards of 3,000 German muskets, and 1,150 rifles, received from the United States during the late war. Those arms ought not to be received by the state, as part of her quota, due from the United States, under the law of Congress of 1808, for arming the militia, as they are brass mounted and of a larger calibre than the standard of the United States muskets. The rifles are but partially grooved, and the locks unfit for service. Those rifles were laid by, as condemned arms, in the United States Arsenal, previous to the late war, and I respectfully recommend that they be returned or exchanged, together with the muskets which remain in the boxes, as received from the United States. I am informed that when they were received it was conditioned that they were to be exchanged for other arms, as soon as the United States should be in a condition to do so.

I beg leave, Sir, to suggest the propriety of recommending

that a small appropriation should be made by the legislature, for the purpose of repairing, or, at least, for cleaning and oiling the arms deposited in the arsenals, as rust will penetrate and inevitably ruin many of them in a very short time. And when they are issued to the volunteers in a rusty condition, the rubbings and filings they then receive, for the purpose of brightening them, renders the barrels so thin as to be unfit for actual service.

The Brigade Inspector who has charge of the arsenal at Philadelphia reports that the roof of the building is slightly damaged and requires some repairs. And the Brigade Inspector at Meadville reports that his predecessor has not delivered to him, as required by law, any account, or receipts, for the arms issued from that arsenal; nor the books, papers and public property. He also states that the building is very much exposed and requires a suitable enclosure. I presume his report on this subject has been presented to the legislature.

I have been the more pointed in my observations on the conduct of the Brigade Inspectors, from the impression that the great loss of public arms is chiefly owing to the manner in which their predecessors have neglected their duties for several years past. One of the present officers informs me that he muskets in his brigade have been suffered to lie in stables and sheds for several years, and are nearly ruined. I beg leave, Sir, to remark, that unless the Brigade Inspectors shall be made amenable to courts martial, or removable, for neglect of duty, it will be in vain to expect correct returns or information of the state of the militia, or the situation of the public arms.

I have the honor to be, very respectfully,

Your Excellency's obedient servant,

ROBERT CARR,

Adjutant General of the Militia of Pennsylvania.

February 8, 1822.

To the Assembly with the Action of the Massachusetts Legislature on the Application of Public Lands to Education, and a Speech of the Indian Chief, Cornplanter.

Gentlemen,

I HAVE DIRECTED TO BE LAID BEFORE YOU, copies of the proceedings of the Legislature of Massachusetts, on the subject of the report and resolutions of the legislature of Maryland, relative to an appropriation of public lands, to certain states, for the support of schools: Also the proceedings of the legislature of Massachusetts, on the subject of a report of a joint committee of both Houses of the General Assembly of the state of Ohio, on the communication of the Auditor General of that state, relative to the proceedings of the bank of the United States against the officers of the state, in the circuit court of the United States.

I have, also, thought proper, to submit to the legislature, copies of a paper purporting to be a speech of Cornplanter, the noted chief of the Seneca nation of Indians, residing in Warren county, in this state, complaining of sundry grievances to which he considers himself unjustly exposed; and from which he asks to be relieved by the interposition of government.

JOSEPH HIESTER.

February 25, 1822.

DOCUMENTS.

Commonwealth of Massachusetts.

Boston, February 11, 1822.

Sir—I have the honor to transmit a copy of several resolutions lately passed by the legislature of this state, in compliance with their request, and am very respectfully,

Your obedient servant,

J. BROOKS.

Commonwealth of Massachusetts.

In the year of our Lord eighteen hundred and twenty-two.

The committee of both Houses of the Legislature, to whom, at a former session, was referred a message of his excellency the Governor, communicating sundry resolutions of the Legislature of the state of Maryland, relative to the appropriation of a portion of the public lands of the United States, in certain cases, to the encouragement and support of common schools, and other seminaries of learning; and to whom also, was referred that part of the several communications of his excellency to both Houses, at the present session, relating to the same subject, and transmitting sundry resolutions of the Legislatures of the states of Vermont, New-Jersey and Kentucky, relative to the same, having according to order had the same under consideration, thereupon ask leave respectfully, to submit the following

Report:

The encouragement and general establishment of common schools, and the universal diffusion of the means of education among all the people of this Union, is unquestionably one of the most interesting and important objects which can now attract the attention of an American statesman. The principle upon which the structure of government in these states is founded, both in their separate and in their collective capacity, is that of representative democracy. Government is established by the general will, and designed for the general good. The great body of the people not only virtually hold, but actually exercise a great portion of that power, which puts in motion all the springs of government. It is essential, therefore, that the great body of the people should be so far enlightened and instructed, as to enable them to make a judicious selection of representatives, to inform and interest themselves in the course and tendency, the justice and policy of public measures, and to form some just estimate of the character, conduct and motives of those to whom they have confided their political power, and their civil rights. Rulers also should at all times be able to feel, that they may rely with safety and confidence upon the strength of enlightened public opinion, to sustain them in the adoption of all such measures as justice, honesty and the best ultimate good of the people require. In a state of society and system of government supported neither by accumulated wealth, hereditary distinctions, or military force, a correct and enlightened public opinion alone can

be relied on, to furnish that moral and intellectual power, which is necessary to give activity and efficacy to public measures, and thereby to secure the objects of all government, the protection, liberty and happiness of the people. But where so large a portion of power is necessarily entrusted to the great body of the community, should the rising generation be suffered to grow to years of maturity, without education, and the majority of the people thus become ignorant, stupid and depraved, it is quite apparent that through the arts of designing and unprincipled men, they would soon become the victims of intrigue, and the instruments of violence. It is quite manifest, therefore, that a representative republic cannot be prosperous and powerful, except among an educated and enlightened people.

These considerations are fully sufficient to awaken a lively interest, and to insure the strictest attention to every proposition which contemplates the promotion of the means of general education. Your committee at the same time, are conscious of the propriety and duty of subjecting the principles of every measure, which is proposed for the adoption of the Legislature, to a strict investigation, with a view of ascertaining whether it rests on the safe grounds of justice and expediency. They are sensible that this Legislature, representing the people of the commonwealth, and the congress of the United States, whose interposition it is proposed to invoke upon the present occasion, for the purpose of obtaining the object in question, do themselves exercise but a limited and delegated power, entrusted to them in certain measures, and for specified purposes; that it is therefore necessary to be assured, not only that such object is desirable, but that it is just, practicable, expedient, and within the authority of those who were called upon to adopt it.

By the report and resolutions of the Legislature of Maryland, a claim is made upon Congress, in behalf of the old thirteen states, together with Maine, Vermont and Kentucky, formed out of territory which has never been the property of the United States, to the exclusion of the new states, for a very large grant of public lands, for the purposes of education. This claim is asserted and weighed, as one not of favor, but of justice; and one, therefore, which, if well founded, Congress is bound to grant, without regard to any consideration of convenience or expediency.

There seems to be nothing in the circumstances, under which the United States acquired their title to these lands,

which can have much influence upon the question. Whatever may have been the case formerly, their title is now universally acknowledged; subject, however, to the paramount right of the Aborigines, where their title has not already been surrendered. A brief allusion to these circumstances will be sufficient for the purposes of the present inquiry. The early grants made by the English government to the first colonists in North America, were unquestionably made under a profound ignorance of the geographical character and condition of the country. Most of them were extended in terms to the Pacific or Great Western Ocean. It was, no doubt, the policy of that government to make these grants large and extensive in terms, with the view of anticipating the progress of other European powers, and thereby giving greater strength and a wider extent to their own claim of sovereignty over this part of the new world. The consequence of this utter ignorance of the state of the country, united to a disposition to make liberal grants, soon appeared in many conflicting claims and contested boundaries. These, however, except in the immediate vicinity of actual settlements, were of little importance, because the lands in dispute were of little or no value. But during the war, which terminated in the conquest of Canada, in which the colonists bore an active part, and still more during the revolutionary war, in consequence of the numerous military expeditions which were sent to the northern and western frontier, the fertility of soil and other local advantages of the Western and North-Western Territory, came to be better understood and more duly appreciated. So triumphant were the arms of America, towards the close of that memorable struggle, and so lofty their pretensions, in consequence of the great interest which their cause had excited in Europe, and the consequent aid derived from numerous powerful and zealous allies, that at the adoption of the treaty of peace, the American negociators were left almost at liberty to dictate their own terms, in regard to boundaries. The consequence was, by prescribing very extensive limits, that in many points, large tracts of territory were included within these limits, which were never claimed, and scarcely on any pretence, however extravagant, could be claimed by any of the separate states. These tracts, thus ceded by the treaty of peace, in full sovereignty and property, necessarily belonged to all the states jointly, in their aggregate capacity. After various delays and negociations, between Congress and the several states, all those states having claims under their ancient charters to tracts of land beyond the bounds of their

actual settlements, with a spirit of conciliation and liberality highly honorable to them, ceded these claims to the United States, in nearly every instance, without pecuniary consideration. To some of these cessions, conditions were annexed; but none which it is necessary to mention, in connexion with this subject. The object of all these cessions, seems to have been the same, and was well expressed by Virginia, in her formal act of cession. This provides that these lands "shall be considered as a common fund, for the use and benefit of such of the United States as have become, or shall become members of the confederation, or federal alliance of the said states, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever." The inducement to these liberal cessions of territory, was to raise the credit, and strengthen the resources of the union, and thus enable the general government to provide the means of paying or securing the debt incurred by the war, more especially that portion of it, which was due for military services.

Subsequently, that vast tract of territory included under the name of Louisiana, and more recently the peninsula of Florida, were acquired by the United States, by purchase; and the consideration being paid out of the common treasury, these lands unquestionably become the common property of the Union.—Your committee, therefore, do cordially concur with the legislature of Maryland, in the proposition "that in whatever point of view the public lands are considered, whether as acquired by purchase, conquest or cession, they are emphatically the common property of the Union. They ought to inure, therefore, to the common use and benefit of all the states, in just proportions, and cannot be appropriated to the use and benefit of any particular state or states, to the exclusion of the others, without an infringement of the principles upon which cessions from states were expressly made, and a violation of the spirit of our national compact, as well as the principles of justice and sound policy."

The Legislature of Maryland proceed to inquire how far Congress has acted in conformity with the dictates of impartial justice, in the appropriations of the Public Lands; and concluding that Congress has not so acted, thereupon found a very large claim to these lands, in favor of the sixteen old states, to the exclusion of the new states and territories, which are denominated the favored states. This claim may be thus

stated. By the laws and regulations relating to the survey and sale of the public lands, hitherto acted on and now in force, one thirty-sixth part, being one section out of each township of six miles square, and divided into thirty-six sections, is reserved to be appropriated to the use of schools, within such township. Certain other appropriations, though of comparatively small amount, and not very distinctly stated, are alleged to have been made for seminaries of learning of a higher grade, assumed by the legislature of Maryland, to be in the proportion of one-fifth of the aggregate amount of the reservation for common schools. It is further assumed that the same system for the survey and sale of these lands, will be observed in all future time, until every acre of them is sold; an event of the certain and speedy accomplishment of which, the legislature of Maryland seem to entertain no doubt. Taking a computation and estimate upon this assumption in reference to all the lands of the United States, not only those which have been surveyed, but including all the unexplored surface of the North-Western Territory, and the more extensive and unknown regions of Louisiana, stated to amount to between four and five hundred millions of acres, the inference is drawn, that the total of literary appropriations, in the new states and territories, will be 14,576,569 2-3 acres. At \$2 an acre, the amount in money will be \$29,153,139 1-3. Then considering it as proved that these appropriations to the new states, and territories, does furnish a valid claim, in justice to the excluded states, to an equal quantity of land, in proportion to their extent of territory, the Legislature of Maryland come to the conclusion, that 9,370,750 acres of land will be "necessary to do justice to the states which have not yet had any." Such is the claim set forth by the state of Maryland in behalf of herself and the old states.

Your committee, in the first place, cannot avoid remarking upon the extraordinary nature and amount of these estimates and deductions. The boundless and trackless regions of Louisiana, for instance, which are yet not only unexplored, but over the greater part of which, even the eye of an American citizen has never wandered, is taken to be a present valuable and available fund, out of which, in their whole extent, reservations may be made; and therefore, that the old states have a right to claim a quantity of land proportionate to these reservations, to be set off to them within the settled states and territories. Judging of the general character of that unknown & unexplored country, from the few portions of it which

have been seen, it may be taken to consist of mainly vast plains without wood, scantily watered, & serving only for a part of each year, to furnish coarse pasture to immense herds of wild animals, but which would be of little value were it even nearer to places where some settlements have been made. If these lands can be taken into the amount, for the purpose of swelling the quantity upon which our proportion is to be calculated, all being taken as it is to be of equal value, we cannot perceive why it would not be equitable to satisfy our claims out of the same lands. But the grant of a few hundred, or even a few millions of acres upon the upper branches of the Yellow Stone river, along the eastern slope of the Rocky Mountains, or even upon the vallies of the Columbia River, would hardly be regarded as a favor by Maryland or Massachusetts, especially if they were under obligation to survey them for a century to come. It is also to be considered that a great part of the lands stated to belong to the United States, more especially those beyond the Mississippi, are still held by the Indian tribes, in full property, from whom the government must purchase, before they can acquire any right to sell them.

It seems scarcely necessary to remark upon the extraordinary fallacy of fixing the price of two dollars an acre upon those vast tracts of waste and unsettled territory. It is true that this is, or rather heretofore has been the price affixed by Congress to the public lands; but it is to be considered that the expenses of surveying, and those attending the costly machinery of the land office system are wholly borne by government; that although two dollars is the gross price, yet with the credits and discounts for prompt payment, it amounts to about three quarters only of that sum, & more especially, and this circumstance wholly distinguishes the two cases, that the lands thus sold for two dollars, lie within settled states and territories, and are in immediate and present demand, for the purposes of actual settlement. And it is this exaggerated estimate, which has led the legislature of Maryland to the startling conclusion that the grants or reservations in favor of the new states and territories may be estimated to amount in value to the enormous sum of nearly thirty millions of dollars. This sum, we believe, is more than all the monies ever received from the sales of the public lands from the commencement of the grants to the present time, a period of thirty-five years of unexampled activity and enterprize, during which settlements have been formed, and a population has grown up

upon these territories, with a degree of rapidity entirely without parallel in the history of the progress of society.

It is, however, truly observed by the legislature of Maryland, "that the magnitude of the appropriations which equal justice requires cannot be considered as a reasonable objection to them." But your committee are of opinion that the magnitude of a claim, urged as a demand of right, furnishes a good reason for bringing it to the test of strict inquiry, to ascertain whether it is in truth founded upon those principles of equal justice upon which it is asserted.

It is assumed throughout the report under consideration, that these reservations of land, for the use of schools, are to be justly regarded as donations or grants to the several states and territories within which they are situated, that they are thus granted for the use and benefit of such states, and to be applied to state and not to national purposes. Supposing this view of the subject correct, in regard to states already formed and territories actually peopled; upon what just ground can it be extended to the unnumbered states, existing only in anticipation, which may, at some future time, be formed out of these vacant territories, in which a cabin has not yet been erected, and towards which the boldest frontier settlers have yet scarcely made an approach?

A grant implies parties: there must be a party to receive as well as a party to convey. Yet our claim only be sustained to the extent asserted, by proving our right to demand in present possession, an equivalent for these supposed donations to imaginary states.

But can these reservations be justly considered as grants or donations to any state within which they lie? A system for the survey and sale of the public lands has been adopted, originating in the celebrated ordinance of 20th May, 1785, before the adoption of the present constitution, and modified by sundry acts of Congress. According to this system, lands intended to be sold, are surveyed before they are offered for sale, being actually divided into townships six miles square, and these sub-divided into thirty-six sections, each one mile square, and containing 640 acres. One of these sections in each township, is uniformly reserved and given in perpetuity for the support of schools in the township. This plan being adopted, and made known before the township is offered for sale, it is manifest that every purchaser, whether he take the whole or part of a township, purchases his land with this privilege annexed, and pays a full consideration for the privilege in the price

given for the land to which such privilege is thus previously annexed. The United States as proprietors of a township thus surveyed, offer it for sale on these terms: that if a purchaser, or company of purchasers, will pay for the thirty-five sections at the price fixed, they shall be entitled to a grant thereof in fee, and the United States will forever hold the thirty-sixth section in trust for the use and benefit of such purchasers and assigns, for the support of schools. When land is taken at this offer, the contract becomes complete, and the United States are bound to execute this trust with fidelity; and it would be a manifest breach of faith to compel such purchaser, in any shape, to pay a further equivalent for the privilege thus stipulated and paid for. But it would obviously be compelling such purchaser thus to pay again for this benefit, if in consequence of such reservations, other lands or other funds, should be appropriated to the use of all other citizens of the United States, from the benefit of which such purchaser should be excluded. Your committee consider these reservations as one of the means resorted to by the government to give value to their lands, and thus to encourage and promote the sale of them. Suppose the United States, upon opening a tract of land for sale, should stipulate to make certain roads to and through them; would the price paid for such roads be regarded as a gift or gratuity to the purchasers of the land, who should take it upon the terms thus offered? Every privilege, benefit and advantage which an owner of property annexes to it, prior to the sale, and which thus passes with the property as one of its incidents and appurtenances, must be considered as a sale for valuable consideration, and not as a gift or gratuity.

This arrangement, by which a portion of the public lands sold is reserved for schools, your committee consider to be, in a high degree, wise and judicious. Whilst it serves to encourage the sale of the lands, in the first instance it remains as a growing fund, becoming valuable in proportion as the occasion for its application arises, by the increase of families within the township. Still it is a fund, paid for by the owners of such township, which the government cannot resume without injustice and breach of faith, and for which it would be equally unjust to claim an equivalent from other funds. It may, perhaps, be asserted that the annexation of this privilege to lands, does not enhance their value, and it not ordinarily taken into consideration by purchasers. Such an assertion, however, we think would be entirely unwarranted. It may be very true

that many individuals buy, without entering into any very exact computation of the value of this privilege, in dollars and cents. But as a general and known incident annexed to all lands derived from the public, as a general encouragement to settlers, proceeding from places where the advantages of school education are known, enjoyed and appreciated, its effect is produced in that general aggregate of the judgments of men, which constitutes the market price and fixes an average estimated value to such property. It is probable, therefore, that by enhancing this market price, and raising the general estimate of public lands, by the reservation of the school lot, a full equivalent for every acre thus set apart and reserved as a trust fund.

The legislature of Maryland appear to have anticipated this objection, and endeavor to answer it by saying "that this increase of value has not been an exclusive benefit to the Atlantic states, but a benefit common to all the states, eastern and western, whilst the latter still enjoy exclusively the advantage derived from the appropriations of lands for literary purposes." But why, we ask, should it have been the exclusive benefit to the Atlantic states? These states were not the exclusive owners of these lands; they were the common property of all the people of the United States. If, therefore, the proceeds of these lands, thus raised in value, go into the common treasury of the United States, and thus inure to the benefit of the whole people, precise and exact justice is done to all parties. It is not to be forgotten that an individual does not cease to be a citizen of the United States by becoming a purchaser of its lands. It is the common case of an aggregate corporation, entering into a contract of sale with one of its members. As an individual, he pays into the common treasury a full equivalent for the property purchased; as a member of such corporation, he enjoys his full proportion of it, according to his share in its capital.

But whatever may be considered to be the relation subsisting between the United States and the purchasers of any township, resulting from the school reservation, it seems quite manifest, that such reservation cannot be regarded as a grant to any state, or to the people of any state. The state governments have no control over them, and can make no disposition of them. It appears to have been taken for granted that the purchasers must necessarily be the settlers of the public lands. But it is obvious, that a citizen of Maryland or Massachusetts may as well be the purchaser of these townships; and

as the reservation inures to the benefit of the purchasers, and their assigns, this benefit would be extended to such persons as effectually as if they were citizens of the state or territory within which such lands might lie.

Your committee would suggest another consideration which presents itself to their minds, as one of great weight, and which must reduce the claim in question, to a very small portion of its alleged amount, were it in other respects well founded. If the school reservation can, in any respect, be considered as a grant or donation, it can only be so considered, to the extent to which lands have been actually sold, under the present system. Certainly, where a township has been sold, with this privilege annexed, congress cannot, with good faith, revoke it. But where the rights of purchasers have not intervened, congress has an unquestionable right to alter this system for the survey and sale of public lands, to recal the standing proposals now by law made to purchasers, without breach of faith, and to propose such other terms as policy and expediency may dictate. This, in some instances, congress has done. In some of the early grants, that to the Ohio company and J. C. Symmes, a like reservation was made for religious objects. Subsequently this reservation was discontinued; and no one ever thought of imputing to congress a breach of faith in this particular; nor was any claim ever advanced, in consequence of this reservation in behalf of the old states. Indeed, it is perfectly obvious that the present system of sale is governed by considerations of expediency, and is one which congress may discontinue at any moment. Should this now be done, what would become of all that part of the claim of the old states, founded upon a computation of the 400,000,000 acres, not yet sold, surveyed or explored?

If then, this claim were well founded, it could only be practically asserted, at the present time, to the extent of that proportion of lands, which have been reserved upon sales actually made. Because, should congress discontinue the accustomed reservation, and order a sale of the whole thirty-six acres in each township, the old states would enjoy their full proportion of this common property, in the proceeds of the sales, thus brought into the public treasury.

Considering these school reservations, beyond townships actually sold, as altogether contingent, depending upon the will & judgment of congress, and to be affected by varying views of policy, your committee, cannot but regard with extreme surprize, the language of the legislature of Maryland, in which

they speak of the whole 14,576,000 acres, being the aggregate of what these reservations will be, throughout the whole of the unsurveyed territory of the United States, as land which "has already been given to the favored states & territories," and thereupon to found a demand for an immediate allowance of a proportionate amount in behalf of the excluded states.

Your committee, however, are far from entertaining a doubt of the purity and uprightness of the motives, in which this proposition originated. On the contrary, they firmly believe that the legislature of Maryland, in the claim which they have advanced, and those of the other states which have given it their sanction, have been actuated by an honest, but very ardent desire to promote a highly interesting and laudable object, that of education; but through the zeal and earnestness with which this object has been pursued, they have been led to overlook the unsoundness of the principles upon which this extraordinary claim is asserted. But the allowance of this claim, looking as it avowedly does, for large donations to some of the states, to the exclusion of others, if not fully established, and clearly shown to rest upon principles of strict right, as a debt due from the favored to the excluded states, would be a palpable violation of the dictates of impartial justice, so eloquently and powerfully urged by the legislature of Maryland.

Your committee ask leave to call the attention of the legislature to one more topic arising out of the subject committed to them, which is, the ratio upon which it is proposed to distribute the lands among the old states, should they be granted by congress, in pursuance of this claim. The legislature of Maryland propose that they should be distributed among these states in proportion to their respectful superficial extent. This rule seems not only to be entirely arbitrary, and founded on no principle of equity, but repugnant to the general spirit and design of the cessions of the respective states, and a violation of the express condition upon which cessions were made by Virginia, namely, that these lands should inure to the benefit of all the states, "according to their usual respective proportions in the general charge and expenditure." This was the language used during the existence of the confederation, and was, at that time entirely appropriate. It is not now strictly accurate to speak of these lands as the common property of the states, but conformably to the spirit and principles of the present constitution, they are rather to be regarded as the property of the people of the United States, directly and

fully represented in congress. According to these principles, upon the present system, the proceeds of lands are brought into the treasury, & inure to the benefit of the citizens, in the exact proportion in which they contribute to the general charge; therefore, the lands, if distributed, must equitably follow the same proportions.

It is hardly to be presumed, however, that it is seriously in contemplation to grant the land itself to the sixteen States, respectively. Should eight or ten millions of acres be thus granted, with liberty to the several states to dispose of them, as they may think fit, it is very certain that so many sellers coming into the land market at once, would not only depreciate the value of their own lands, but entirely derange the present system of land sales, by the United States, and divert that source of revenue from its present channel, for many years to come. To avoid this ruinous system, it would, probably, be proposed to pay in cash, a certain proportion of the proceeds of the sales of public lands. But, in this case, it would be necessary to replace the same sum from other funds, so that, in point of fact, it would be quite immaterial whether these sums were paid out of those proceeds specifically, or from any other public monies, being in either case, a general charge on the treasury. Whether land, therefore, or money, be distributed, no other equitable rule of proportion can be followed, than that of contribution to the general charge, because in either case, the amount thus taken, must be replaced by such contribution. Nor does it appear of the slightest importance, whether those who are entitled to receive, happen to be closely settled on a small surface, or thinly scattered over an extensive territory. Extent of surface, therefore, can furnish no safe or equitable rule of distribution. But, it is, perhaps, easy to perceive the error in which this proposed ratio of distribution arose, and to trace it to that general delusion, if the expression may be indulged, in which this extraordinary claim itself originated. The aggregate of these school reservations, being a portion of each township surveyed, for sale, must of course be in exact proportion to the number of these townships. As a benefit promised to purchasers, this was the just proportion. Had such reservations been designed principally as a gift or gratuity, to inhabitants or settlers, independent of their interest in the lands, a different proportion would naturally have presented itself. This circumstance throws additional light upon the nature and character of these reservations, as incidental merely to the grants to which they were annexed, and of course, co-extensive with them.

Such are the views which your committee have felt it their duty to submit to the Legislature, relative to the most important question arising out of this subject. The further claim founded on the suggestion that donations of lands have been made to certain states, for the support of seminaries of Learning of a higher grade, may perhaps stand on a footing somewhat different. Seven townships appear to have been granted for this purpose to several states and territories, and others may have been granted, of the circumstances attending which, and the considerations upon which they were made, your committee have not been able to obtain precise and satisfactory information. They are, however, so unimportant in point of amount, as not materially to affect the general question. If the reservations of the thirty-sixth part of the public lands, for the support of schools, are not of a character to sustain the present claim in behalf of the old states, the proposition of the state of Maryland must entirely fail. A general desire to promote the great object of school education, will not be sufficient to justify an affirmative decision on this proposition. It is a question of strict right, between the parties having adverse interests, the decision of which may involve consequences deeply affecting the future peace and harmony of the Union. The form in which this claim is made, as well as the claim itself, appears calculated to awaken jealousy and discord. Some are denominated the favored, and others the excluded states. The latter are represented to be powerful, having one hundred and sixty-nine Representatives in Congress; the former feeble, having only seventeen representatives. The question is ultimately to be decided by these Representatives, having themselves an interest in the question. As a question between parties thus situated, it becomes an imperious duty to waive all consideration of interest, policy and expediency, and to decide only upon those unerring principles of justice which can alone insure harmony and safety. The question whether Congress has power, and whether, under any circumstances, it would be advisable to exercise it, in making appropriations for the encouragement and support of schools and other seminaries, for the common use and benefit of all the people of the Union, is one of an entirely different character, upon which your committee feel confident that the legislature of Massachusetts will be ready to act with promptness and liberality, whenever that question is distinctly presented.

Your committee would have felt more entire confidence in the result of their enquiries, had not opinions of an opposite

character been expressed by those for whose judgment they entertain the highest deference and respect. This circumstance has induced them to examine the subject with all the attention which other engagements would permit, and to assign the reasons which have influenced them, at much greater length than would otherwise have been proper. But believing that the proposition of the legislature of Maryland cannot be sustained upon just and satisfactory grounds, and that the adoption of it by this legislature, would be attended with consequences, highly injurious to the harmony and best interests of the Union, they ask leave to recommend the adoption of the subjoined resolutions.

All of which is respectfully submitted.

For the committee,

LEMUEL SHAW.

January 24, 1822.

Resolved, That the public lands of the United States, are justly considered to be the common property of the Union, and that no state can justly claim any exclusive appropriation of them.

Resolved, That the reservation of certain lots of land, in townships offered for sale by the United States, for the support of schools in such townships, in pursuance of standing laws, cannot justly be considered as a donation to the states, within which such lands are situated, and cannot, therefore, entitle any other state to demand any land or other donation, by way of equivalent.

Resolved, That his excellency the Governor, be requested to transmit copies of the foregoing report and resolutions to the governors of the several states, with a request that they will communicate the same to the legislatures thereof respectively; also to each of the Senators and Representatives of this commonwealth, in Congress.

In Senate, January 28th, 1822.—Read and passed by a unanimous vote. Sent down for concurrence.

JOHN PHILLIPS, President.

In the House of Representatives, February 5th, 1822.—Read and concurred.

LUTHER LAWRENCE, Speaker.

February 9th, 1822.—Approved.

J. BROOKS.

Commonwealth of Massachusetts,

Boston, February 11, 1822.

Sir—I have the honor to transmit a copy of several resolu-

tions lately passed by the legislature of this state, in compliance with their request, and am very respectfully,

Your obedient servant,

J. BROOKS.

His Excellency, the Governor of the state of Pennsylvania.

Commonwealth of Massachusetts,

The committee of both Houses, to whom was referred so much of the communication of His Excellency the Governor, as related to the report of the joint committee of both Houses of the General Assembly of the state of Ohio, on the communication of the Auditor of that state, upon the subject of the proceedings of the Bank of the United States, against the officers of state, in the circuit court of the United States, have had the same under their consideration, and ask leave to submit the following

Report:

The questions proposed for consideration by the proceedings of the General Assembly of the state of Ohio, although of an interesting nature, are not new. It is a familiar fact, that soon after the government of the United States went into operation, a National Bank, with offices of discount and deposit, in several of the states, was established by law; and that in the course of the discussions which took place in the legislative bodies, and in the executive councils, the constitutional right of Congress to pass such a law, was fully examined in all its relations, by men intimately acquainted with the principles of the constitution, and eminent for their ability and patriotism. It was then determined that this power was vested in Congress by the constitution, and that the exercise of it was convenient and necessary to the fiscal operations of the government. This early construction of the constitution, was acquiesced in and acted upon by all the department of the government, till the charter of the bank expired by its own limitation. A short interval only elapsed, before the secretary of the treasury, in an elaborate report made to Congress, resumed the subject, and urged the institution of a National Bank, on similar grounds of constitutional right, expediency and necessity. Another act of incorporation, within a short period after, with a much larger capital, was granted, under the operation of which this great question was brought directly under judicial cognizance. The supreme court of the United States, the ultimate tribunal for the determination of all cases

arising under the constitution and laws of the United States, have decided, after full argument upon all the questions raised, that the power to establish a bank, is vested by the constitution, in Congress; and that its several branches are exempted from the taxing power of the states. The constitutional questions, then, having been thus solemnly determined, in all the forms in which they can arise, the construction thus given to the constitution, appears to your committee, to be final and binding on the several states. If the operation of this is found to be injurious to the best welfare of the states, the remedy is to be found in an amendment to the constitution. The legislature of this state, however, is not called upon to sanction any such amendment, but to express its opinion upon the report and resolutions of the General Assembly of Ohio; but to comply with this respect fully, holding, as your committee do, different opinions, would occupy this legislature with the details of arguments, better fitted for a judicial than a legislative body, and could hardly be justified by the sincere respect which is felt for the legislature of the state of Ohio. Satisfied as your committee are, with the construction which has been so often, and so deliberately given, to the constitution, they do not perceive that any important end can be obtained, by offering any thing more than the result of their reflections, in the form of resolutions, which are herewith respectfully submitted to the consideration of the legislature.

Resolved, By the Senate and House of Representatives, in general court assembled, that in their opinion, the power to establish a National Bank, with branches thereof in the several states, is vested, by the constitution, in the Congress of the United States.

Second. Resolved, That the act of Congress, passed on the tenth day of April, A. D. 1816, to incorporate the subscribers to the Bank of the United States, is a law made in pursuance of the constitution of the United States.

Third. Resolved, That inasmuch as the constitution of the United States, and the laws made in pursuance thereof, are the supreme law of the land; anything in the constitution or laws of any state to the contrary, notwithstanding, the legislative acts of any state, so far as they prevent or defeat the operation of such laws, are void.

Fourth. Resolved, That the act of the legislature of the state of Ohio, levying a tax upon the branch of the National Bank, established there, with the other measures proposed, would, if carried into effect, expel from the state such branch,

and defeat the operation of the law by virtue whereof it was established

Fifth. Resolved, That as the judicial power of the United States extends to all cases arising in law and equity, under the constitution and laws of the United States, it belongs to the judicial department to determine all cases arising from a conflict between the laws of the United States and the laws of a particular state.

Sixth. Resolved, That in the opinion of this legislature, the proceedings of the circuit court of the United States, for the district of Ohio, against the officers of that state, do not violate the eleventh amendment to the constitution of the United States.

Seventh. Resolved, That the constitutional exercise and preservation of the judicial power of the United States, is essential to the safety and prosperity of the Union: And that while this legislature will be ever ready to afford its aid to any state, against manifest usurpation, or real encroachments upon its rights, it will also yield a reasonable confidence and support to all the departments of the national government, so long as they continue in the rightful exercise of their constitutional powers.

Eighth. Resolved, That His Excellency the Governor, be requested to transmit to the Governors of the several states of the Union, a copy of the foregoing report and resolutions.

Per order,

WARREN DUTTON.

Allegheny River, 2d Mo. 2d. 1822.

Speech of Cornplanter to the Governor of Pennsylvania.

I feel it my duty to send a speech to the governor of Pennsylvania, at this time, and inform him the place where I was from—which was at Conewaugus, on the Genessee river.

When I was a child, I played with the butterfly, the grasshopper and the frogs; and as I grew up, I began to pay some attention and play with the Indian boys in the neighborhood, and they took notice of my skin being a different color from theirs, and spoke about it. I inquired of my mother the cause, and she told me that my father was a residenter in Albany.—I still eat my victuals out of a bark dish.—I grew up to be a young man, and married me a wife.—I had no kettle nor gun. I then knew where my father lived, and went to see him; and found he was a white man, and spoke the English language. He

gave me victuals whilst I was at his house; but, when I started to return home, he gave me no provision to eat on the way. He gave me neither kettle nor gun; nor did he tell me that the United States were about to rebel against the government of England.

I will now tell you, brothers, who are in session of the legislature of Pennsylvania, that the Great Spirit has made known to me, that I have been wicked; and the cause thereof was, the revolutionary war in America. The cause of Indians having been led into sin, at that time, was, that many of them were in the practice of drinking and getting intoxicated.—Great Britain requested us, to join with them in the conflict against the Americans; & promised the Indians land & liquor. I myself, was opposed to joining in the conflict, as I had nothing to do with the difficulty that existed between the two parties.—I have now informed you how it happened, that Indians took a part in the revolution, and will relate to you some circumstances that occurred after the close of the war. General Putnam, who was then at Philadelphia, told me, there was to be a council at Fort Stanwix; and the Indians requested me to attend, on behalf of the Six Nations—which I did, and there met with three commissioners, who had been appointed to hold the council. They told me, they would inform me of the cause of the revolution, which I requested them to do minutely. They then said, that it had originated on account of heavy taxes that had been imposed upon them by the British government, which had been, for fifty years, increasing upon them; that the Americans had grown weary thereof, and refused to pay; which affronted the king. There had likewise a difficulty taken place, about some tea (which they wished me not to use, as it had been one of the causes that many people had lost their lives). And the British government now being affronted, the war commenced, and the cannons began to roar in our country. General Putnam then told me at the council at Fort Stanwix, that, by the late war, the Americans had gained two objects: they had established themselves an independent nation, and had obtained some land to live upon—the division line of which, from Great Britain, run through the lakes. I then spoke and said, that I wanted some land for the Indians to live on; and General Putnam said, that it should be granted, and I should have land in the state of New-York, for the Indians. General Putnam then encouraged me to use my endeavors to pacify the Indians generally; and, as he considered it an arduous task to perform, wished to know what

I wanted for pay therefor? I replied to him, that I would use my endeavors, to do as he had requested, with the Indians, and for pay therefor, I would take land. I told him not to pay me money or dry goods, but land. And for having attended thereto I received the tract of land on which I now live—which was presented to me by Governor Mifflin. I told general Putnam, that I wished the Indians to have the exclusive privilege of the deer and wild game—which he assented to. I also wished the Indians to have the privilege of hunting in the woods, and making fires—which he likewise assented to.

The treaty that was made at the aforementioned council, has been broken by some of the white people, which I now intend acquainting the governor with:—Some white people are not willing that Indians should hunt any more, whilst others of them are satisfied therewith—and those white people, who reside near our reservation, tell us, that the woods are theirs, and they have obtained them from the governor. The treaty has also been broken by the white people using their endeavors to destroy all the wolves—which was not spoken about in the council at Fort Stanwix, by General Putnam; but has originated lately.

It has been broken again which is of recent origin. White people wish to get credit from Indians, and do not pay them honestly, according to their agreement.—In another respect, it has also been broken, by white people, who reside near my dwelling; for when I plant melons and vines, in my field, they take them as their own.—It has been broken again by white people using their endeavors to obtain our pine trees from us—we have very few pine trees, on our land, in the state of New-York; and white people and Indians often get into dispute respecting them.—There is also, a great quantity of whiskey brought near our reservation, by white people, and the Indians obtain it and become drunken.—Another circumstance has taken place, which is very trying to me, and I wish the interference of the governor.

The white people, who live at Warren, called upon me, some time ago, to pay taxes for my land, which I objected to, as I had never been called upon for that purpose before; and having refused to pay, the white people became irritated, called upon me frequently, and at length brought four guns with them and seized our cattle. I still refused to pay, and was not willing to let the cattle go. After a time of dispute, they returned home, and I understood the militia was ordered out to enforce the collection of the tax. I went to Warren, and to avert the

impending difficulty was obliged to give my note for the tax, the amount of which was forty three dollars and seventy-nine cents. It is my desire, that the governor will exempt me from paying taxes for my land, to white people; and also, cause that the money I am now obliged to pay, may be refunded to me, as I am very poor.—The governor is the person who attends to the situation of the people; and I wish him to send a person to Allegany, that I may inform him of the particulars of our situation, and he be authorized to instruct the white people, in what manner to conduct themselves towards Indians.

The government has told us, that when any difficulties arose between Indians and white people, they would attend to having them removed.—We are now in a trying situation; and I wish the governor to send a person, authorized to attend thereto, the fore part of next summer, about the time grass has grown high enough for pasture.

The governor formerly requested me to pay attention to the Indians, and take care of them:—we are now arrived at a situation that I believe Indians cannot exist, unless the governor should comply with my request, and send a person authorized to treat between us and the white people, the approaching summer.—I have now no more to speak.

His
CORNPLANTER +
Mark,
Joseph Elkinton,
Interpreter & Scrivener.

To Joseph Hiester, Governor of Pennsylvania.

To the Assembly Transmitting Resolutions of the Maryland Legislature relating to the Interference of Citizens of Pennsylvania with Negro Slaves.

Gentlemen,

I HAVE DIRECTED TO BE LAID BEFORE YOU copies of a letter from the Governor of Maryland, with two resolutions, passed by the Legislature of that state, complaining of the hardship and inconvenience to which their citizens are exposed by the encouragement given to, and harboring of their runaway

negroes by sundry citizens of the states of Pennsylvania and Delaware, and praying that measures may be adopted to prevent the evil complained of.

JOSEPH HIESTER.

March 27, 1822.

DOCUMENTS.

Council Chamber, Annapolis, March 21, 1822.

Sir—By the direction of the Legislature, I have the honor to transmit to your Excellency, a copy of a resolution passed at its last session, respecting the encouragement given to, and harbouring and employing negroes absconding from this state, by sundry citizens of the Commonwealth of Pennsylvania and the state of Delaware, and have to request that you will be pleased to cause the same to be communicated to the Legislature of the Commonwealth of Pennsylvania, for their consideration.

I have the honor to be

With great respect,

Your obed't. servant,

SAMUEL SPRIGG.

His Excellency the Governor of the Commonwealth of Pennsylvania.

By the House of Delegates, February 21st, 1822.

Whereas, The encouragement given to negroes running away from their owners in this state and the harbouring of them by sundry citizens of the commonwealth of Pennsylvania and the state of Delaware, has been productive of serious inconvenience and of great injury to the owners of slaves:

Therefore, Resolved, by the General Assembly of Maryland, That the encouragement given to and the harbouring and employing of runaway negroes from this state, by sundry citizens of the commonwealth of Pennsylvania and the state of Delaware, has increased to so alarming a degree, and the inconvenience arising therefrom to the good people of this state has become so great and intolerable as to make longer silence on this subject on the part of the General Assembly of Maryland, if not criminal, highly improper.

Resolved, That the Governor be and he is hereby authorised and required, to transmit a copy of the foregoing resolution to the Executive of the commonwealth of Pennsylvania and the Executive of the state of Delaware, with a request that they

will lay the same before their respective Legislature, in order that they may interpose their authority, and make such provision to prevent the evil herein complained of, as their wisdom and justice shall dictate.

Proclamation of Reward for the Apprehension of
John Lechler, charged with the Murder of Mary
Lechler and Sarah Haag.

Pennsylvania, ss:

[Signed] Jos. Hiester.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By JOSEPH HESTER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas I have received information that a most horrid outrage and murder was committed in the City of Lancaster, in the night following the first of April instant, between the hours of twelve and one o'clock, on Mary Lechler (wife of John Lechler) and Sarah Haag (wife of Bernard Haag) all of the said City by strangling and hanging the former, and shooting the latter; and it is believed that the said John Lechler, who has since absconded, was the perpetrator of the said atrocious crimes: And Whereas the reputation of the Government, the peace and security of its citizens, and the obligations of justice and humanity require that the perpetrator of crimes so heinous should be brought to speedy and condign punishment, I have therefore thought it proper to issue this proclamation, hereby offering a reward of two hundred dollars, to any person or persons who shall apprehend and secure within any jail of this Commonwealth, the said John Lechler, if brought to trial and conviction of the

said crimes and offenses: And all Judges, Justices, Sheriffs, Coroners, Constables, and other officers, are hereby required and enjoined to be attentive and diligent in enquiring after and bringing to justice the perpetrator of the crime aforesaid.

Given under my hand and the Great Seal of the State at Harrisburg, this third day of April in the year of our Lord one thousand eight hundred and twenty-two and of the Commonwealth the forty-sixth.

By the Governor.

Andrew Gregg, Secy.

Proclamation of the Election of Representatives of
Pennsylvania in the United States Congress.

Pennsylvania, ss:

[Signed] Jos. Hiester.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By JOSEPH HIESTER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas in and by an act of the General Assembly of this Commonwealth, entitled "An Act to provide for the election of Representatives of the people of this State in the Congress of the United States," passed April the second, one thousand eight hundred and twenty-two, it is made the duty of the Governor, on the receipt of the returns of the election held in the several congressional districts of this Commonwealth, "to declare by proclamation the name or names of the person or persons to him returned as duly elected in each respective district:" And Whereas it appears

from the returns of the general election held on Tuesday, the eighth day of the present month, in and for the several districts hereinafter mentioned, that the following named persons were duly elected to serve in the House of Representatives of the Congress of the United States, for the term of two years, from and after the fourth day of March next, viz.:—In the first district, composed of the district of Southwark, the townships of Moyamensing, Passyunk, Blockley and Kingsessing, in the county of Philadelphia, and Cedar and Newmarket wards of the City of Philadelphia, Samuel Breck; in the second district, composed of the remaining wards of the City of Philadelphia, Joseph Hemp-hill; in the third district, composed of the remaining part of the county of Philadelphia, Daniel H. Miller; in the fourth district, composed of the counties of Delaware, Chester and Lancaster, James Buchanan, Isaac Wayne and Samuel Edwards; in the fifth district, composed of the county of Montgomery, Philip S. Markley; in the sixth district, composed of the counties of Dauphin and Lebanon, Robert Harris; in the seventh district, composed of the counties of Berks, Schuylkill and Lehigh, Daniel Udree and Henry Wilson; in the eighth district, composed of the counties of Bucks, Northampton, Pike and Wayne, Samuel D. Ingham and Thomas J. Rogers; in the ninth district, composed of the counties of Union, Northumberland, Columbia, Luzerne, Susquehanna, Bradford, Lycoming, Tioga, Potter and McKean, William Cox Ellis, Samuel McKean, and George Kreamer; in the tenth district, composed of the county of York, James S. Mitchell; in the eleventh district, composed of the counties of Adams, Franklin, Cumberland and Perry, John Findlay and James Wilson; in the twelfth district, composed of the counties of Huntingdon, Mifflin, Centre and Clearfield, John Brown; [in the thirteenth] district, composed of the counties of Bedford, Somerset and C[] , John

Tod]; in the fourteenth district, composed of the counties of Fayette and Greene, Andrew Stewart; in the fifteenth district, composed of the county of Washington, Thomas Patterson; in the sixteenth district, composed of the counties of Allegheny, Beaver, Butler and Armstrong, Walter Forward and James Allison; in the seventeenth district, composed of the counties of Westmoreland, Indiana and Jefferson, George Plumer; and in the eighteenth district, composed of the counties of Erie,, Crawford, Mercer, Warren and Venango, Patrick Farrelly: Now therefore, I have issued this proclamation, hereby publishing and declaring that the said Samuel Breck, Joseph Hemphill, Daniel H. Miller, James Buchanan, Isaac Wayne, Samuel Edwards, Philip S. Markley, Robert Harris, Daniel Udree, Henry Wilson, Samuel D. Ingham, Thomas J. Rogers, William Cox Ellis, Samuel McKean, George Kreamer, James S. Mitchell, John Findlay, James Wilson, John Brown, John Tod, Andrew Stewart, Thomas Patterson, Walter Forward, James Allison, George Plumer and Patrick Farrelly are duly elected and chosen as Representatives of the people of this State, in the House of Representatives in the Congress of the United States, for the term of two years, to commence from and after the fourth day of March next.

Given under my hand and the Great Seal of the State, at Harrisburg, this twenty-fifth day of October, in the Year of our Lord one thousand eight undred and twenty-two, and of the Commonwealth the forty-seventh.

By the Governor.

Andrew Gregg, Secy.

Proclamation Declaring the Election of Colonel Thomas Forrest, Samuel D. Ingham and Walter Forward as Representatives of Pennsylvania in the United States Congress.

Pennsylvania, ss:

[Signed] Jos. Hiester.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By JOSEPH HESTER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, by returns duly made by the judges of special elections held on the second Tuesday, the eighth day of the present month, in the following congressional districts, in pursuance of writs issued by me under the authority of an act of the General Assembly, passed the eighteenth day of February, one thousand eight hundred and five, it appears that Colonel Thomas Forrest was duly elected in and for the first district, composed of the City of Philadelphia and the Counties of Philadelphia and Delaware; Samuel D. Ingham, in and for the sixth district, composed of the Counties of Bucks, Northampton, Lehigh, Wayne and Pike; and Walter Forward, in and for the fourteenth district, composed of the counties of Allegheny and Butler, to serve as Representatives of this State in the House of Representatives in the Congress of the United States, to supply the vacancies occasioned by the resignation of William Milnor, Samuel Moore and Henry Baldwin, Esquires, of their seats in the said House. And Whereas in and by one other act of the General Assembly, passed the twentieth day of March, one thousand eight hundred and twelve, it is provided, that the Governor having received the returns of such elections, shall declare by proclamation the name of the person or per-

sons to him returned as duly elected in each respective district:" Now therefore, I have issued this proclamation, hereby publishing and declaring that the said Colonel Thomas Forrest, Samuel D. Ingham and Walter Forward are duly elected and chosen as Representatives of this State in the House of Representatives in the Congress of the United States, during the remainder of the time for which the said William Milnor, Samuel Moore and Henry Baldwin were elected to serve.

Given under my hand and the Great Seal of the State, at Harrisburg, this twenty-fifth day of October, in the year of our Lord one thousand eight hundred and twenty-two, and of the Commonwealth the forty-seventh.

By the Governor.

Andrew Gregg, Secy.

Proclamation Declaring the Election of Daniel Udree
as a Representative of Pennsylvania in the United
States Congress.

Pennsylvania, ss:

[Signed] Jos. Hiester.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By JOSEPH HIESTER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, by a return duly made by the judges of a special election held in the congressional district composed of the counties of Berks and Schuylkill in this Commonwealth, on Tuesday the tenth day of the present

month, in pursuance of writs issued by me on Monday the eleventh day of November last, under the authority of an act of the General Assembly, passed the eighteenth day of February, one thousand eight hundred and five, it appears that Daniel Udree was duly elected to serve as a Representative of this State in the House of Representatives of the United States, to supply the vacancy occasioned by the death of Ludwig Worman, Esquire: And Whereas, in and by one other act of the General Assembly, passed the twentieth day of March, in the year one thousand eight hundred and twelve, it is provided that the Governor having received the returns of such elections, shall declare by proclamation the name or names of the person or persons to him returned as duly elected in each respective district: Now therefore, I have issued this proclamation, hereby publishing and declaring that the said Daniel Udree is duly elected and chosen a Representative of this State in the House of Representatives of the United States, during th remainder of the time for which the said Ludwig Worman was elected to serve.

Given under my hand and the Great Seal of the State at Harrisburg, this twenty-third day of December, in the year of our Lord one thousand eight hundred and twenty-two, and of the Commonwealth the forty-seventh.

By the Governor.

Andrew Gregg, Secy.

Annual Message to the Assembly—1822.

Fellow Citizens,

BY THE REVOLUTION OF ANOTHER YEAR, we have arrived at the constitutional period for the representatives of the people to assemble and deliberate on the great concerns of the state, and

I derive the highest degree of satisfaction from the opportunity it affords, of congratulating you, and through you, our fellow citizens at large, on the prosperous condition of our beloved country, its growth in wealth, its increase in population, and all those numerous blessings with which a beneficent Providence continues to favor the land.

Although different portions of the country have been visited with sickness during the past season, and our crops have not equalled in every part of the state the expectations of the husbandmen, owing principally to a long and excessive drought, yet our thanks are nevertheless due, to the Almighty disposer of events, in whose hands are the issues of life and death, that no disease of a pestilential character has been permitted to afflict this part of the Union, and that the harvests, if not abundant, have generally proved so far plentiful, as to yield a sufficiency for home consumption, and afford a surplus to supply the wants of others.

While the aspect of political affairs in the old world seems to threaten the interruption of peace in that quarter, we have reason to rejoice, that the amicable nature of our external relations with foreign governments, promises to the people of this country, a long continuance of that choicest of blessings, so necessary to the prosperity of nations, and the welfare and happiness of individuals. In the east of Europe, we behold with feelings of anxiety and sympathy, an oppressed people, unaided by any christian government, nobly contending for their liberties and religion, against the merciless tyranny of an infidel foe, the common enemy of christianity, literature and civilization. In the new world the picture is more cheering. Our brethren in South America, more successful than the unhappy Greeks, after a long and arduous struggle, have at length secured the right of self government, by throwing off the colonial yoke and establishing their

independence. In every instance where the existing state of things justified the measure, it is pleasing to find, that their independence has been recognized by the United States. This act of justice as well as policy, while it expresses national confidence and individual feeling, tends to facilitate what nature seems to have designed, an intimate intercourse among the inhabitants of the same continent, and promises what we hope is not far distant, an important era in the history of nations, when the free governments established in the new world, will be a counterpoise and check to the "legitimate despotisms" of the old.

To the blessings of peace, with which Providence continues to favor our land, and to all the advantages in which we participate in our federal character, as a member of the Union, it is a source of gratification to have it in our power to add those also, which spring from local and other causes; among these we notice with pleasure, the general prosperity and growth in population and commerce of our metropolis, from which we derive so large a portion of our public revenue; the increase of our manufacturing establishments, and the more general use of home made fabrics in home consumption; the progressive industry and improvements in agriculture; the beneficial effects of economy in public expenditure, and of frugality and prudence in the management of private concerns; the diminution of distress arising from embarrassing speculations; and the gradual restoration of confidence and credit. To aid in perpetuating the blessings with which we are thus so highly favoured, ought to be considered an honorable, as it is an important duty, particularly incumbent on those who are placed in stations of public trust.

During the recess, I have endeavoured to discharge the duties enjoined on the executive by the constitution, as well as those entrusted to him by special acts

of the Legislature. Among those of the latter description, I consider it proper to mention, that agreeably to the act of the 2d of April last, I caused to be transmitted to Cornplanter, a chief of the Seneca nation of Indans, a copy of the act for his relief, and one to each of the commissioners named in the law.—That in compliance with the direction of the act, supplementary to the act, erecting part of Cumberland county into a separate county to be called Perry, a copy of the act was sent to each of the commissioners, with a notice of the time and place fixed upon for their meeting. Copies of the communication to Cornplanter, and the reports of the commissioners, in both cases, will be found in the documents transmitted herewith. I have also considered it proper to submit to the Legislature, copies of a paper lodged in the office of the secretary of the commonwealth, purporting to be a remonstrance by a large portion of the inhabitants of Perry county, against the proceedings and report of the commissioners appointed in the act, to select a site for the seat of justice in that county.

In adverting to subjects which demand the attention of the Legislature, none appears to have a stronger claim on its early attention than an act of Congress, passed on the 4th of May, 1822, vesting the right of the United States in the state of Pennsylvania, to all fines that were assessed upon its delinquent citizens, for the non-performance of militia duty, during the late war with Great Britain. This act, in addition to the transfer of the fines directs that all moneys in the hands of the marshals or their deputies, which may have been collected from these fines, shall be paid by them respectively to the treasurer of the state, after deducting the expense of assessing and collecting the same. It also vests the state with the power of recovering the outstanding fines, under such regulations, provisions and restrictions, as shall be prescribed by the Legislature. The fines assessed, as far as can be ascertained by the

reports of the courts martial, some of which were made to this government, and others to the comptroller of the treasury of the United States, amounted originally to \$351,981.66; but from this sum is to be deducted \$118,040.46, which, by a report made to Congress at its last session, by a committee of that body, was stated to have been paid to the marshal and his deputies, and also \$38,822.24, which had then been remitted by the executive authority of the state, and which has been increased by subsequent remissions to the amount of \$5,581.93, leaving an actual balance of \$189,537.03, yet outstanding. Independent of the difficulties which may arise in carrying into effect the the act of Congress relinquishing these fines, it is to be feared that it will not prove so effectual in obtaining for the commonwealth the same degree of justice as might have been expected, had the subject been acted on at an earlier and more propitious period.

I have also thought it my duty to bring to the view of the Legislature, an act of assembly, passed on the 14th of February, 1810, from which it will be seen, that the Governor is allowed to subscribe at par, on behalf of the commonwealth, for one thousand two hundred and fifty of the reserved shares in the Bank of Pennsylvania, at any time after the expiration of ten years, from and after the fourth day of March, one thousand eight hundred and thirteen.

In executing the duties enjoined on the secretary of the commonwealth, a difficulty arises from a defect in the existing laws, as to the mode of authenticating copies of sheriffs' and coroners' bonds filed in his office, which in my opinion, calls for some legislative remedy or provision. There are two seals belonging to the commonwealth, called the great and less seals of the state, the custody of which is committed to the Secretary of the Commonwealth, and which, by an act of the 12th of March, 1791, he is authorised to affix respectively, as

the case may be, to all instruments of writing, to which the attestation of the Governor's signature is required; but has no power to affix either of them to any other instrument than those designated by law. There are, however, many cases in which that officer is called upon to authenticate papers to which the Governor's signature is not necessary, and particularly, it is provided by the act of the 28th of March, 1803, that copies of sheriffs' and coroners' bonds and recognizances, under the hand of the secretary and seal of office, shall be admitted as legal evidence in all suits brought thereon, although no seal has been provided or authorised by law for that office. In a recent instance of an application for the copy of a sheriffs' bond and recognizance, under seal of office, to be used on a trial, an objection was made by the applicant to its authenticity for want of the official seal, and in consequence thereof a clerk from the office had, in obedience to a subpœna, to attend a distant court with the original papers to prove their official character.

I consider it my duty to submit also, to the Legislature, a difficulty which has occurred in the discharge of a duty intrusted to the Governor by an act of assembly, passed on the 13th of April, 1791. By this act £4,000 was appropriated for improving the navigation of the Little Conemaugh from its mouth upwards. This appropriation was founded on a report made on the fourteenth of December, 1790, by Commissioners appointed by the state for viewing certain waters and judging of the practicability and expense of making them navigable. By an act of the 10th of April, 1792, £3,000 was directed to be taken from this appropriation, and applied to the improvement of the Monongahela and Youghiogheny rivers, and the Raystown branch of Juniata, on the express condition, however, that it should be replaced whenever the Governor should be satisfied, that the navigation of the Kiskiminetas and Conemaugh rivers was so improved, as to

render the Little Conemaugh, a necessary link in the chain of communication between the western and eastern waters. Proposals are now offered for contracts to apply the appropriation agreeably to the directions of the act of 1791; but, there being no mode pointed out by which the Governor is to judge, whether the navigation of the Kiskeminetas and Conemaugh hath been improved to the extent contemplated by the law, and doubts having arisen as to the power of now applying to that object, the £3,000 withdrawn from its original destination, without a special act authorising it, I have not considered myself at liberty to enter into any engagements on the subject.

The two new state penitentiaries now erecting, in or near the cities of Pittsburg and Philadelphia, are progressing with as much activity and industry as the nature of the undertaking will permit. The commissioners appointed to superintend the latter have adopted a plan, designed on the principle of arranging the cells on the radii, instead of placing them on the periphery of a circle, the mode adopted in the building at Pittsburg. The alterations and deviations from the Pittsburg design will, it is believed, improve in a still higher degree, the utility of solitary labor and confinement, and have received my approbation, after the best consideration I was able to give the subject. A model of the building is deposited in the office of the secretary of the commonwealth, where it may be inspected by those who have a desire to examine the principles, which distinguish the construction of this important public work.

When these two new penitentiaries shall be ready for the reception of convicts, their completion will afford an opportunity of making a practical experiment of a system, uniting mildness with justice, and having for its object the reformation, as well as the punishment, of the unhappy individuals, whose ill conduct

and crimes have made them the subjects of the law. Although perfection be unattainable by human endeavour, and it cannot be expected of man to devise any system which may not be liable to objections and difficulties, nevertheless, it is his duty to profit from the instruction of experience, and make it as free from defects as circumstances will permit.

The treading mill, introduced into the prisons of England as a new mode of punishment and reformation, is represented as producing such beneficial effects in that country, by the diminution of crime and reformation of convicts since its adoption, as to induce me to suggest to the Legislature the propriety of inquiring, whether it would be expedient at this time to make the addition of this new species of labour to our present penitentiary discipline. A model of the wheel has been transmitted by a respectable native of this state, now residing in England, to his friend in Philadelphia, who has politely forwarded it to this place; and it is now in the office of the secretary of the commonwealth, for the inspection of such as see proper to inquire into its construction, and the maner in which convicts are employed in its operation.

The records of our criminal courts furnish incontestible evidence that the number of crimes, within the few past years, has increased among the people of colour, in a greater proportion than the ordinary increase of their population, compared with others, would warrant us to expect. If this effect has been produced in any degree, by the introduction of persons into this state, who have been guilty of crimes and offences in other states, and have either fled to avoid the punishment of the law, or have received a pardon on condition of leaving the state in which the offence was committed, it behoves the Legislature to adopt such efficient measures to prevent a recurrence of the evil, or at least to correct it, as may be authorised by the consti-

tution. The act of the 27th of March, 1789, which prohibits the importation of convicts into this commonwealth, seems to me to extend only to felon convicts, brought from places out of the United Staes, and not to embrace the case referred to.

While also it is the duty of the Legislature to protect this unfortunate class of the human family in the enjoyment of their rights, by prohibiting, under severe penalties, the crime of kidnapping, every lawful means should be adopted to prevent individuals from giving any just cause of offence to any of our sister states, or the citizens thereof, by affording harbor or protection to such as are not entitled to their freedom, have fled from their owners, and deserted that service which the existing laws recognize. If some general regulation by law could be adopted, in accordance with the constitution, by which the names of persons of this description, now resident in this state, or who may hereafter come into it, should be registered from time to time, in some public office in the cities and counties where they may respectively reside, with the particulars as to age, employment, trade or calling, place of nativity, and place from which they last removed, it might have some effect in leading to the detection of actual fugitives, and be a means of preventing those who are entitled to their freedom, from being disturbed in the peaceable enjoyment of their rights.

Agreeably to the report of the auditor general, made to the Legislature in January last, there had been expended, during the financial year ending the 30th November, 1821, \$577,259 29, in public internal improvements; and from an abstract furnished by that officer, and accompanying this communication, of the receipts and expenditures of the present year, it appears that a farther sum of \$173,851 18 hath been applied to the same objects, exclusive of payments made to the two new penitentiaries.

By the enterprize of individuals, the greatest part of our internal public improvements for which stock was authorised to be subscribed by the state, has been undertaken; and judging of future progress, from what has been already done, I am induced to believe, that but a few years more will pass away before the whole will be finished. Two thousand four hundred and twenty-six miles of turnpike, or artificial road, have been authorised by different acts of assembly, and one thousand nine hundred and forty miles are now reported to be completed, extending in every direction, thro' the state; most of them pointing either immediately to Philadelphia, or to our principle rivers, the grand thoroughfare through which our agricultural productions reach their market. Such an extent of road, of this description, completed within a period of a few years, is a proud monument of the wise and liberal policy of the state, in the application of its resources to aid in the construction of improvements, so well calculated to promote the convenience of the people, by facilitating mutual intercourse, shortening distance, reducing the expense of transportation, increasing the value of lands, and enabling many who were hitherto destitute of the opportunity, now to reach a market with the productions of their industry. In this respect I am led particularly to notice a section of the Centre turnpike, extending from Bellefonte through Phillipsburg to Franklin, and thence to Erie. This road is represented by all who have travelled it, to be finished in a superior style; and, in addition to the advantages it affords to individuals, may be considered an object of much state importance, equally interesting to our eastern and western citizens, as it opens a communication between the lake country and the navigable waters of the Susquehanna.

The experience of all countries that have turned their attention to the subject, proves the superior ad-

vantages of communication by water, wherever it can be obtained. On this principle the Union Canal was originally commenced; and, although for various causes it was permitted to languish for several years, it is now progressing with as much expedition as is consistent with the nature and magnitude of such an undertaking. A report of the managers will be submitted to the legislature, exhibiting a full view of the progress already made in its construction, and of their prospect of its final completion. The connection of the Susquehanna with the Delaware, by a canal from the Chesapeake Bay to the Delaware river, is an object of such great state, as well as national importance, and so interesting to a large portion of our citizens, as specially to recommend itself to the attention of the Legislature. The judicious expenditure of the money lately appropriated for the improvement of creeks and rivers, and the facility and security thereby afforded to navigation, furnish strong inducements for persevering in the system, until the remaining difficulties are removed, as far as the means of the state, without recourse to new or additional taxes, will warrant an application of the means necessary for the purpose. It is however, to be regretted, that, notwithstanding the appropriations of public money by the state to effect a purpose so necessary for the safety of the navigation, various obstructions in our rivers are occasioned by the erection of fish dams, in defiance of all the pains and penalties of the laws heretofore enacted. These artificial obstructions, from their increasing number, and the extent of impediments produced by them, particularly in the Susquehanna and Juniata and their branches, create vexations and dangerous obstacles to our enterprising watermen, and have become so serious a grievance, as in my judgment, to require legislative interposition.

The stock owned by the state, arising from subscription to different canal, bridge, turnpike road companies, authorised by different acts of assembly, since the year 1806, and now incorporated, amounts to \$2,334,107. So large an investment of public money in property of this kind, calls for a strict examination into the accounts of those who manage the concerns of their respective companies, and requires the constant and vigilant attention of the Legislature to protect the interest of the commonwealth. A provision of this kind is rendered more important by the consideration, that some of these roads are said to be made by the money appropriated by the state, with but little assistance from advances of individual stockholders. As a further security for the state, I would respectfully submit the propriety of a provision, requiring, that all who are appointed viewers of roads and bridges should make their report on oath or affirmation; and, that the president and managers of the respective companies should annually lay before the Legislature, immediately after the commencement of its session, an abstract of their accounts verified in the same manner; and that their account of dividends should also be exhibited yearly for settlement, by the accountant officers of the treasury.

As yet but little revenue has been derived from these investments but when the improvements are completed, and the companies have discharged the debts contracted in making them, they may be considered as affording the prospect of an important aid to the other resources of the state. The regular increase of tolls on such as have been finished, is a practical evidence of their utility, and warrants an expectation of their future productiveness.

The revenue of the commonwealth, is generally in a prosperous condition and the receipts into the treasury from the land office department, have exceeded the

most sanguine calculations. From the statement of the auditor general already referred to, it appears that the aggregate receipts at the treasury during the present year, exceeds the estimated amount \$45,865 61, while the ordinary and contingent expenses of the government during the same period, have been less than the estimate, leaving in the treasury on the first of this month a balance of \$334,038 84.

To enable me to judge whether the situation of the treasury would justify to any extent, the exercise of the power, vested in the governor by the 5th section of the act of the 2d of April, 1821, authorising him to procure on loan a million of dollars, I addressed letters to the officers of the treasury department, requiring such information as their means might enable them to furnish. From their representation of the money on hand, and the amount of receipts expected in the course of the year, and the demands to which the treasury was subject, on account of appropriations remaining unpaid, I have not considered my self authorised to exercise the power during the recess of the Legislature. From the correspondence of these officers it also appears, that they have not succeeded in obtaining a loan of \$400,000, authorised by the act, of 1822, for the purpose of discharging the six per cent. loans, contracted under laws passed prior to the session of 1820-21; not being able to procure the money on the terms prescribed in the law.

From the annual report of the auditor general, which that officer is directed by law before the Legislature, on the fourth Monday of December, and such other means of information as may be in their power, the Legislature, whose peculiar province it is to determine, will be able to form a judgment, whether it will be necessary or expedient to continue all the existing taxes as they now stand. Should it be their opinion that any of them can be dispensed with, there is perhaps none, the repeal of which would afford greater satis-

faction to a portion of the citizens in different sections of the state, especially those who are interested in the payment of the tax, than the act laying a duty on the retailers of foreign merchandize. But in case they should not consider it advisable or expedient to repeal this act, under the present circumstances, I would respectfully suggest the propriety of so modifying or altering it, as to make its operation less exceptionable, particularly in the part which directs a criminal proceeding against the delinquent. When any law, the object of which is the imposition of a tax or duty, is obnoxious to a majority of our fellow citizens in any portion or district of country, or even to a considerable number of them, it will often be found difficult to carry it into effect, where its execution depends on the act or opinion of a grand jury of the county in which the transgressor resides. The law will thus be defeated by the refusal or unwillingness of that body to do their duty; delinquents will but too frequently escape its penalties, or evade its provisions altogether; while the revenue will remain uncollected, or at least be materially affected in its amount.

Among all the rights and privileges dear to freemen, none is held in higher estimation than the elective franchise, or right of voting for agents, who are to represent their interest in the management of our public affairs. Happily for the people of Pennsylvania, their constitution has been framed with an especial view of securing to them this important privilege, and if a qualified citizen is at any time deprived of this right, the fault is not in the constitution, but arises from some defect in the existing laws, of some erroneous practice under them. The want of uniformity in the decisions of election officers respecting the admission of votes in different counties, in different districts of the same county, and sometimes in the same district at different times when the officers conducting the election happen to be different, can-

not but produce inconvenience and dissatisfaction, and lead to confusion and contests, which for the peace and happiness of society, should always be guarded against with peculiar care. In some cases I understand the citizen has been refused his vote, because his name did not appear in the alphabetical list made out by the commissioners of the county and furnished the officers of the election, although he had been duly assessed, and regularly paid his tax. Other instances have occurred where the party has been denied the right of voting by reason of the neglect or omission of the officer to assess him at the appointed time; while, on the other hand, the election officers of other districts, have received the votes of persons who had not been assessed at the usual period, permitting them to be assessed and to pay their tax on the very day of election. Should the legislature revise the present system, and deem it expedient to remedy existing defects, they will be careful, to provide that no qualified citizen shall be deprived of his right of suffrage, by the omission or neglect of any officer to do his duty.

The report of the Adjutant General, which that officer is directed by law to make annually, will place the whole subject of the militia establishment, fully within the view of the legislature, by which they will be enabled to judge, whether it would be expedient, at this time, to make any alteration in the present system. I cannot however pass over the subject, without expressing the pleasure and satisfaction I feel, necessarily resulting from the high degree of confidence in the strength of our government, with which the military ardor of our youth cannot fail to inspire us. Three hundred and thirty-five companies of volunteers, stimulated by a principle of patriotism and united attachment to the constitution and government of their country, each reported by the competent authority to con-

tain the number of men required by law, and to be properly uniformed and equipped, now compose a force, adequate to meet any emergency in which the state may be called upon to act, or find it necessary to make a display of her military strength.

To the subject of education I consider it my duty again to invite the attention of the Legislature; for, although much has been done by your predecessors, in compliance with the constitutional injunction of providing for the gratuitous instruction of the poor, and for the establishment of seminaries in which the arts and sciences are taught, for the accommodation of those who aspire after higher literary attainments; and, although many individuals, with a truly commendable zeal, have liberally contributed their aid in furthering the views of government, experience proves that much is yet wanting to complete the system. It is not necessary to recapitulate to an enlightened Legislature, the arguments so often urged in favor of education, and the advantages of a general diffusion of knowledge in a republican government. To you, as guardians of the public weal, I submit the subject, barely expressing my earnest wish, that each succeeding Legislature, taking advantage of the light gained by experience, may persevere in improving the system, until it shall be brought to such a state of perfection as fully to answer the purpose of its wise and salutary design.

To your own knowledge, gentlemen, of the wants and wishes of our constituents, and to communications formerly made to the Legislature, I refer for many other topics of public importance; assuring you of a sincere disposition on my part, to co-operate in every measure which may contribute to the prosperity of the country and the happiness of the people.

To husband the means of the commonwealth; to apply the public resources to the promotion of objects

of public utility; to retrench the public expenses, in every branch and department of the government, within the bounds of moderation; and to exact a strict accountability from all persons entrusted with the collection, the receipt, and the expenditure of public money, is the duty of those to whom the people have committed the administration of their public affairs. The commencement of a system of economy introduced into the concerns of the commonwealth has been attended already with the most salutary consequences; and, should the same spirit of retrenchment, of which some pleasing evidences have been furnished by the proceedings of our national legislature at its last session, be persevered in, it will not fail in the end, to produce the same happy results on a larger scale, and to an extent which cannot but be felt and acknowledged by the people throughout the Union.

The business of legislation is often attended with difficulties and embarrassment, and disappointment will sometimes be the fate of a well founded hope of accomplishing measures of great public advantage; but, if the object be virtuous, and the public good the aim of honest endeavor, the consciousness of fulfilling our duties with fidelity to the constitution and our constituents, will always compensate our labor, even should failure be the consequence. One mean of advancing the public interest, and conducting the public business with dispatch, will be the cultivation of harmony, not only among yourselves, but with the different branches of government, who have an agency in the legislative functions. But, however desirable harmony and despatch in the transaction of the public business may be, and however much it may be the wish and study of us all to promote economy, and produce a saving of public money by shortenig the session, I indulge the persuasion that you will do all that may be in your power to do, to prevent such part of the business

of legislation, as may require the participation of the Executive, from being crowded upon him towards the close of the session. When this happens to such an extent and in such manner, as not to allow sufficient time for consideration, he is deprived of the opportunity of bestowing upon it that necessary degree of deliberation, which the constitution contemplates, and a regard to the public welfare imperiously demands.

JOSEPH HIESTER.

Harrisburg, December 5th, 1822.

DOCUMENTS.

Department of State,
Harrisburg, April 20th, 1822.

Sir—By the Governor's direction, I have the honor of enclosing you a certified copy of an act passed at the last session of the Legislature, transmitted in compliance with the duty enjoined on the Governor, by the 5th section of said act.

I have the honor to be, Sir,

Very respectfully, your obedient servant,

ANDREW GREGG, Secretary.

Honorable Jesse Moore, President of the 6th Judicial District.

Note.—A similar letter was at the same time sent to Joseph Hackney, Esq., Associate Judge of Warren county.

Department of State,
Harrisburg, April 22, 1822.

On the receipt of your letter bearing date on the 22d day of February last, directed to the Governor, he laid it before the General Assembly then in session, which alone possessed the power of removing the grievances of which you complained.—An act was passed, a copy of which you will find enclosed, which the Governor expects will be satisfactory to you, inasmuch as it provides for the payment of the taxes that have been already assessed on your property, and exempts the land granted by the Commonwealth to you and your heirs, from the payment of any kind of taxes hereafter, so long as you and they hold the same in your right, for the use of your tribe of Indians.

It also provides such security for your timber, as it is hoped will be sufficient to protect it from the depredations of your unruly neighbors, and it has appointed Jesse Moore, Esquire

President Judge of that district, and Joseph Hackney, an Associate Judge of Warren county, commissioners to confer with you on the subjects of your complaint, and to explain the nature and objects of the act passed for your relief. A copy of the act has been transmitted to each of them, who, there is no doubt, will faithfully attend to the duty which it enjoins on them, and who, it is hoped, will prove acceptable to you, on account of their general reputation for justice, and their friendly disposition towards your tribe.—The Governor, in directing this communication to be made to you in compliance with the provisions of the act of Assembly, avails himself of the opportunity of assuring you of his anxious desire, that no future cause of uneasiness may be excited by any unjustifiable interference with your property, by any individuals whatever, and that you may be permitted to enjoy in peace and safety, the uninterrupted fruit of your industry, by the improvement and cultivation of your land, granted you by the commonwealth of Pennsylvania, for your fidelity, attachment and good feeling to the people and government of the United States.

With a sincere desire for your peace,

Comfort and happiness, I am your most obedient servant,

ANDREW GREGG, Secretary.

To Cornplanter, Chief of the Seneca nation of Indians.

Warren, September 6, 1822.

Sir—Agreeably to the directions of the 4th section of "An Act for the relief of Cornplanter, a Chief of the Seneca nation of Indians," passed the second day of April, one thousand eight hundred and twenty-two, we, the subscribers, on the third day of June last, in the court-house of the county of Warren, and an interview with the said Cornplanter, accompanied by several of the principal men of his tribe or nation and settlement, and by the aid of two interpreters brought with him, did then and there explain to him and them, as well "the nature and objects of the said act," as of the fifth section of the act, passed the ninth day of April, 1760, "to prevent the hunting of deer, &c., and against killing deer out of season."

We endeavored, too, to make him and his people understand, that if any injury should hereafter be done by the white people to him or to the other Indians, to their lands or personal property, they ought not by force or violence to take vengeance or seek redress, but peaceably to apply to some magistrate or the court, who, according to their respective jurisdiction and authority, would grant to him and his people, the same com-

pensation or redress that would, for a similar injury, be granted to any white man.

Cornplanter then requested, that we would, on the next morning, meet him again in the court-house, to hear his reply to the explanations and communications which we had made to him. And after he had retired, and the Grand Jury had been charged upon those subjects that might probably come before them, the Court then earnestly exhorted the members of that jury and the crowded audience attending, to act peaceably and fairly to all their Indian neighbors, and to use their individual influence to induce all others to act towards them in a similar manner; to remember that this part of the country had formerly all belonged to the once powerful ancestors of this now feeble tribe, who had long since sold it to the state, and who did not now claim it, but only wished the peaceable and full enjoyments of the rights and of the pittance of land which they had reserved to themselves; and to recollect that they were now no longer objects of fear to us, but subjects of compassion, to whom, as citizens of the state, we ought ever to be just, and as christians, if really actuated and governed by the principles of the religion which we profess, we should be always disposed to be kind, beneficent and merciful.

On the fourth day of June last, according to appointment, Cornplanter with his companions before mentioned, appeared before us in the court-house, in the town of Warren, when he delivered to us the following speech:

"Yesterday was appointed for us all to meet here. The writing which the Governor has sent here, has pleased us very much. I think that the Great Spirit is very much pleased that the white people have been induced to assist the Indians as they have done; and that he is pleased also to see the great men of this state and of the United States so friendly to us. We are much pleased with what has been done.

"The Great Spirit first made the world, and next the flying animals, and found all things good and prosperous. He is immortal and everlasting. After finishing the flying animals, he came down on the earth and stood there;—and then he created the beasts. Then he made different kinds of trees and weeds, and all sorts of people of every kind. He made the spring and other seasons and the weather suitable for planting. These he did make, but stills to make whiskey to be given to the Indians, he did not make. The Great Spirit bids me tell the white people not to give the Indians this kind of liquor.

"When the Great Spirit had made the earth and its animals

he went into the great lakes, where he breathed as easily as any where else, and there he made all the differnt kinds of fish. The Great Spirit looked back on all that he had made. The different kinds he made to be separate, and not to mix with and disturb each other. But the white people have broken his command by mixing their color with the Indians. The Indians have done better by not doing so.

"The Great Spirit wishes that all wars and fightings should cease. He next told us, that there are three things for people to attend to. First, we ought to take care of our wives and children; 2, the white people ought to attend to their farms and cattle; 3, the Great Spirit has given the bears and deer to the Indians. He is the cause of all things that exist, and it is very wicked to go against his will.

"The Great Spirit wishes me to inform the people that they should quit drinking intoxicating drink, as being the cause of disease and death. He told us not to sell any more of our lands, for he never sold lands to any one.

"Some of us keep the seventh day, but I wish to quit; for the Great Spirit made it for others afar off—but not for the Indians who ought every day to attend to their business. He has ordered me to quit drinking any intoxicating drink, and not to lust after any woman but my own; and informed me that by doing so I should live the longer. He made known to me, that it is very wicked to lie. Let no one suppose, that this which I have now said is not true.

"I have now to thank the Governor for what he has done, and have him what the Great Spirit has ordered me to ceese from, and I wish the Governor to inform others of what I have communicated. This is all I have at present to say."

Cornplanter and his companions appeared, as his speech indicates, to be fully satisfied with what has been done for them. And though they did not expressly promise to apply to the civil authority of the state for the redress of any injuries that may hereafter be done to them by any of the white people, yet, as their success on the present occasion, seems so much to have exceeded their expectations, it is probable that they will in future be more disposed than they formerly were, to have recourse to such means for restraining or for obtaining a compensation for any injury that may be done or offered to them.

The mass of the citizens of Warren county, we believe, approve of this act. And if there are any discontented persons there, they are only a few, who, like the Indians, would rather by hunting than by agriculture, and who may imagine that

their profits will be lessened, if the Indians are permitted to enjoy the rights to which they are justly entitled. But from the few persons of this description, no serious or injurious opposition to the laws is at present apprehended.

With perfect consideration,

We are, Sir,

Your very obedient servants,

JESSE MOORE,

JOSEPH HACKNEY.

His Excellency Joseph Hiester, Esq., Governor of the Commonwealth of Pennsylvania.

To his Excellency Joseph Hiester, Governor of the Commonwealth of Pennsylvania:

Sir—In compliance with an act of the Legislature of this state, passed the eleventh day of March, Anno Domini one thousand eight hundred and twenty-two, entitled "A suplement to an act, entitled 'An act erecting part of Cumberland county into a separate county to be called Perry,'" and in accordance with your appointment, we, the undersigned, commissioners chosen by the Legislature, for the purpose of carrying the requisitions of said law into effect, met at the town of Landisburg, in said county, viz: Moses Rankin, David Fullerton and James Agnew, on Tuesday the seventh, and James Hindman, on Wednesday the eighth instant, and after taking the requisite oaths, proceeded to view the several sites, contemplated by the people, together with those agreed upon and fixed by former commissioners; and from the general view which we have had of the territorial bounds of said county, the relative situation of its inhabitants, convenience of roads and waters, we are of opinion, that neither of the sites agreed upon by the former commissioners, are calculated to combine the interests of, or render that satisfaction and accommodation, to the citizens of Perry county, contemplated by the law under which we act.

Therefore we have, after due deliberation, unanimously agreed, and have located the seat for the public buildings, viz: court house, jail and county offices, for the said county of Perry, at the town of Landisburg, on the lands of Samuel A. Anderson, and Jacob Stroop, Esquire, described and bounded as follows, viz: beginning at a post, on the west end of Main or Second street, in a lot of Samuel A. Anderson, thence south sixty-eight degrees West, four hundred and twenty feet to a post; thence south twenty-two degrees east, two hundred and

twenty feet to a post; thence North sixty-eight degrees east, four hundred and twenty feet to a post; thence North twenty-two degrees West, two hundred and twenty feet, to the place of beginning. Which said lot, or parcel of ground as above described, we do hereby adjudge and confirm, as far as our power extends, as laid down in the law under which we act, to be the proper site to erect the court house, prison and county offices of said county of Perry upon, and as such hereby make report, and return the same to the Governor, as we are by law directed to do.

Given under our hands this eighteenth day of May, Anno Domini one thousand eight hundred and twenty-two.

MOSES RANKIN,
JAMES AGNEW,
DAVID FULLERTON,
JAMES HINDMAN.

To Joseph Hiester, Esquire, Governor of the Commonwealth of Pennsylvania:

The undersigned citizens of the county of Perry, do protest against the legality of the location of the seat of justice at Landisburg, for said county; because all the Commissioners named in the act of Assembly did not attend, and one of those who was present at the location, did not arrive until the other three had viewed the most important sections of the county, which totally disqualified him from estimating the relative advantages of the several sites. Believing it to be an established rule in Pennsylvania, that the laws shall be strictly construed we are clearly of opinion that a part of the Commissioners were not competent to discharge a duty so imperatively enjoined on the whole; consequently their decision was an illegal execution of the law, and the report ought not to be accepted. We will not advert to the probable causes which led to an invasion of the rights of a large majority of the citizens of this county. Common justice requires that where a single individual has been aggrieved by a misconstruction of laws, he shall have redress. How much more imperative are the demands of justice, when a large majority of the citizens of Perry county have suffered a manifest injustice in open violation of the very law that had cautiously guarded their rights. Feeling confident that the executive is disposed to enforce a due execution of the laws of this Commonwealth, we trust that such measures will be adopted as will be most likely to secure

a fair and equitable accommodation to the people of this county, in attending courts of justice.

In pursuance of public notice, a large and respectable meeting of the citizens of Perry county, met at the house of John Coch, in Juniata township, in said county, and after calling Richard Baird to the chair, and Thomas Gallaher secretary, the following resolution was unanimously adopted:

Resolved, That the above protest be sent on to the Governor of this Commonwealth, with a request to deposit it in the Secretary's office of this Commonwealth.

To the Assembly transmitting the Action of the Legislature of North Carolina upon the Application of Public Lands to Education, and Other Papers.

Gentlemen,

I HAVE DIRECTED TO BE LAID BEFORE YOU, agreeably to the request of the Governor of North Carolina, copies of the proceedings of the legislature of that state, on the subject of the report and and resolution of the legislature of Maryland, relative to an appropriation of public lands to certain states for the suport of schools: Also copies of a letter from the Governor of South Carolina, covering a resolution of the legislature of that state, disagreeing to the amendment to the constitution of the United States, proposed by the Legislature of this Commonwealth, in the following words; "Congress shall make no law eo erect or incorporate any bank, or other monied institution, except within the district of Columbia; and every bank, or other monied institution, which shall be established by the authority of congress, shall, together with its branches, and offices of discount and deposit, be confined to the District of Columbia."

I have directed to be laid before you, at the same time, copies of a letter from the then acting Governor

of the state of Ohio, offering to exchange the map of that state, for the map of Pennsylvania; and also copies of a statement of the affairs of the "company for erecting a bridge over the Susquehanna river, in the county of Lancaster, at or near the town of Columbia;" by the agent of the Commonwealth and a committee on the part of the managers.

JOSEPH HIESTER.

December 11, 1822.

DOCUMENTS.

Executive Office of North Carolina,

Raleigh, June 25, 1822.

Sir—Agreeably to the direction of the General Assembly of this State, I have the honor to transmit to your excellency, a report and resolutions, passed at their last session, relative to the appropriation of public lands for the purposes of education; and to request that you will communicate the same to the Legislature of the state over which you preside, and solicit their co-operation in the attainment of the objects therein contemplated.

I have the honor to be,

Very respectfully,

Your obedient servant,

GAB. HOLMES.

His Excellency, the Governor of Pennsylvania.

Report of the committee to whom was referred the reports and resolutions of the legislatures of Maryland and New Hampshire, and the proceedings in the Senate of the United States, relative to the appropriations of public lands for the purposes of education, made to the legislature of North Carolina, December, 1821.

Report, &c.

The committee to whom was referred that part of the Governor's message which relates to the reports and resolutions of the legislatures of Maryland and New Hampshire, and the proceedings in the Senate of the United States, relative to appropriations of public land for the purposes of education, respectfully report:

That they have given to the subject all the attention and consideration which their time and opportunities would admit. Your committee are deeply impressed with the importance of

education and the general diffusion of knowledge. In a government which depends on the public will, where the sovereign power is vested in the people, and where, by the frequent recurrence of elections, our citizens are periodically and frequently called upon to delegate certain portions of that sovereignty which is inherent in them, it is almost as important that they should know their rights, as that they should possess them. Without this knowledge, they too often become the dupes of intrigue and the unconscious instruments of faction.

Your committee view with pride, the rapid progress which North Carolina has, of late, made in knowledge and science. Within the last twenty years, academies have been established by individual subscriptions and individual exertions in almost every county in the state. At these seminaries, by the generous exertions of their founders and patrons, thousands of youth, of both sexes, are instructed in the subordinate branches of science, and qualified for the ordinary business of life.

Our university, too, is annually sending forth graduates, who generally embark in the business of instruction, or in some of the learned professions. Many of them are now distinguishing themselves in their several callings, and some are doing honor to the legislative councils of the state. The effect of the establishment of these institutions has been to give to the people of the state a more expanded and liberal view of her policy.

The subject of internal improvement, once thought to be impracticable and visionary, now meets with a friend in every man of intelligence. The question now is, how shall we best render navigable our rivers, and open and improve our roads? How shall we lessen our dependence on the adjacent states, and best avail ourselves of the advantages which nature has given us? Our criminal code, once sanguinary and bloody, has become mild and just; our citizens have become more civilized and refined, and North Carolina begins to have a just sense of what is due to her own character and standing as a member of the Union.

Your committee regret, while advantages have been thus afforded to men of property and fortune of educating their children, that the state, on her part, has not made corresponding efforts to establish primary schools, where the poor could have an opportunity to educating their children. The number who have the means of sending their children to an academy, or, to the university, is comparatively small, and your committee apprehend, that while the efforts of the liberal and more

wealthy to establish these seminaries may have given to their children advantages which they did not before possess, that it may have had the contrary effect upon the poorer class of the community.

The population of North Carolina is so sparse, that in most parts of the state, it requires the whole of a neighborhood to find employment and afford the means of paying neighborhood teachers. Where the means exist, as those who are most engaged in the cause of education, generally send their children to some academy, or to the university, the balance, not so justly appreciating the importance of the subject, suffer it to remain neglected for the want of suitable persons to give an impulse to their exertions. The establishment of primary free schools, where the poor as well as the rich can have an opportunity of instructing their children in the rudiments of an English education, is certainly "a thing devoutly to be wished for" by every friend of his country.

Your committee, however, in the present embarrassed condition of the country, would despair of the state, without any fund at its disposal, except what is collected by taxes from the people, being able to do anything effectual upon this subject, were it not for the claim which North Carolina has upon the general government for an appropriation of public lands for the purposes of education. This claim is not a new one on the part of North Carolina. The subject was brought before the legislature at a former session, which, by a joint resolution of both houses, instructed their senators, and requested the representatives in congress from this state, to urge the right of North Carolina, to participate in the appropriations of public lands for the purposes aforesaid, in just proportions to what had been granted to the new states. This claim the Senate of the U. States thought it inexpedient to grant. Your committee are, however, gratified that the subjects has of late been much canvassed by the old states; particularly by Maryland and New Hampshire, and that there is reason to believe that they are disposed, through the medium of their representation in congress, to assert their rights, to share in the benefits of these appropriations.

Your committee do not consider it important to enter minutely into the discussion of the question made in the Maryland, and assented to in the New Hampshire report, whether previous to the several cessions which have been made to the general government, the non-ceding states were in justice entitled to participate in the extensive back country which then

formed a part of the states, which have since made such large cessions to the United States; because they cannot see how it can be made to have any bearing upon the main question. If, however, they were to express an opinion, it would be unfavorable to the claim then set up by the minor states.

The war of the revolution was a war of defence, not of conquest. The states from a sense of individual weakness, associated together for their mutual safety, in the character of states, having certain chartered limits, which were recognized as their respective boundaries, for the purpose of protecting the persons and property of their citizens from the exactions of arbitrary power, and of defending the unalienable rights of man. It never was understood, or even contemplated, that the war was to be waged for the acquisition of territory. No such motives ever actuated the citizens of the United States.

It is a novel idea to your committee, that two or more states, engaged in a war on the same side, impelled by the same motives, because they are successful, can be said to be entitled to any portion of each other's territory by right of conquest. The victory which is achieved is over the common enemy, but the conquest it seems is over each other. Under the articles of confederation, the states were sovereign to all intents and purposes. The confederation was only a strict alliance for the purposes of mutual safety and defence. When, therefore, great Britain acknowledged our independence, it was as separate, sovereign and independent states.

Again, conquest implies the acquisition of territory. No one state in the Union acquired any territory by the war. Each remained within its former chartered limits. The larger states, however, have now parted with any right they formerly had in the lands they have ceded, and the other states, through their representation in congress, have admitted that the right was in the ceding states, by accepting their cessions upon the conditions and qualifications contained in the several cession acts.

In 1789 the General Assembly of North Carolina passed an act, ceding all that tract of country, which now constitutes the state of Tennessee, to the United States. As it regards the claim of North Carolina to the territory over which she then, and previous to that time, had exercised jurisdiction, there can be no question. Her boundaries had never been defined by any charter subsequent to her own: her claim, therefore, rested upon as firm a basis as the claim of Maryland, to the territory over which she now exercises jurisdiction. The act of cession has the following preamble:

"Whereas, the United States, in congress assembled, have repeatedly and earnestly recommended to the respective states in the Union, claiming or owning vacant western territory, to make cessions in part of the same as a further means, as well of hastening the extinguishment of the debts as of establishing the harmony of the United States; and the inhabitants of the said western territory being also desirous that such cession should be made, in order to obtain a more ample protection than they have heretofore received. Now, this state being ever desirous of doing ample justice to the public creditors, as well as the establishing the harmony of the United States, and complying with the reasonable desires of her citizens: Be it," &c., which shows very clearly, the temper of the people at that time. It was soon after the close of the revolutionary struggle, when the states, having each their quota of public debt to pay, and having no surplus fund, that is to say, the smaller states, when public and private confidence were in a great measure shaken, the creditor was apprehensive of the loss of his debts, and the people were oppressed by the burthen of their taxes imposed to defray the ordinary expenses of government, and borne down under the weight of debts already contracted.

These circumstances gave rise to much discontent and complaint, and, no doubt, to the pretended claim on the part of the minor states, to participate in the western lands belonging to other states. It was certainly generous, and may have been politic, in those states to make large cessions to the Union, for the purpose of securing the payment of the public debt, restoring harmony to the people of the different states, and gratifying the wishes of a part of their respective citizens, who were anxious to set up for themselves. It is no less certainly the duty of congress to see that this magnanimous act of generosity be not abused, and the fund which was intended for general, applied to local purposes. The act also contains this provision: "That all lands intended to be ceded by virtue of this act, to the United States of America, and not appropriated as before mentioned, shall be considered as a common fund for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever." Language could not have expressed the intention of the legislature more plainly, or placed the claim of those states, which have not yet received ap-

propriation, upon a firmer basis. The acts of cessions of other states contain similar provisions.

Your committee have too exalted an opinion of the congress of the United States, to believe that however much they may doubt "the expediency of making appropriation for the benefit of the old, corresponding with those already made for the new states," they can hesitate for a moment to redeem the plighted faith of the nation, and perform the very condition upon which the cessions were made.

Your committee can give no additional force to the reasoning contained in the reports to the legislatures of the states before mentioned, to show the justice of the claims of the non-ceding states to be allowed appropriations proportionate to those already granted to the new states; and they admit the claim of those states, which have made the largest cessions, are placed, by the several acts upon the subject, on the same footing, except, perhaps, that there may be more equity in the claim of the ceding states, inasmuch as they have made the contract, and paid the consideration upon which the benefit of the stipulations contained in the several cession acts, have been guaranteed to them. There can be as little doubt of the right of all the states to share the advantages which have resulted from the purchase of the Louisiana, and the Indian title to public lands, as they were paid for with money drawn from the treasury of the United States, in the proportion that they have contributed towards the same. As that might be a difficult matter to ascertain, perhaps no better mode can be devised than the one suggested by the Maryland committee, the ratio of square miles.

Your committee are satisfied that the statement and calculation made in the Maryland report are correct. That the amount of unappropriated public lands is four hundred millions of acres: the total amount necessary to do justice to those states, which have not yet had any appropriation made in their favor, is 9,370,760 acres, or something less than $2\frac{1}{2}$ per cent. upon the whole amount. That the amount already appropriated for literary purposes, and which will be appropriated, if the system heretofore followed should be adhered to, for the benefit of the new states and territories, is fourteen millions five hundred and seventy-six thousand five hundred and sixty-nine and two-third acres. North Carolina is entitled to an appropriation of 980,666 acres, which, at two dollars per acre, would amount to the sum of 1,961,332 dollars. Two dollars per acre being something less than the average price for which

government lands have sold, it would be fair to estimate the claim of North Carolina at two millions of dollars; the interest upon that sum would be 120,000 dollars per annum, which divided equally among all the counties in the state, would make the sum of 1,933 dollars seventy cents per annum, to each county. One hundred and twenty thousand dollars per annum, divided among all the different counties in the state, according to their respective population and wants, judiciously managed, would enable the legislature to establish free schools to a considerable extent, in each county. The means of obtaining education would thus be brought home to the doors of every individual, and the poor, as well as the rich, could avail themselves of the advantages of a fund so wisely appropriated.

Your committee applaud, rather than condemn, the appropriations already made; and all they ask, is, that Congress will make them general, not partial; that, that which is expressly stipulated to be a common fund for the common benefit of all the states, shall not be applied exclusively for the benefit of any particular state or section of country.

Your committee, from every consideration which they have been able to give the subject, cordially concur with the sentiment expressed in the Maryland report, "that in whatever point of view the public lands are considered, whether acquired by purchase, conquest or cession, they are emphatically the common property of the Union. They ought to inure, therefore, to the common use and benefit of all the states in just proportions, and cannot be appropriated to the use and benefit of any particular state, to the exclusion of the others, without an infringement of the principles upon which cessions from states were expressly made, and a violation of the spirit of our national compact, as well as the principles of justice and sound policy." They also agree perfectly in opinion with the sentiment expressed by the legislature of New Hampshire. "That those states for whose benefit such appropriations have not yet been made, will not be true to themselves, if they do not make known to congress, who alone possess the power to make them, their request for such appropriations, not as a matter of favor, but of right." They therefore, respectfully recommend the adoption of the following resolutions:

Resolved, by the General Assembly of North Carolina, That each of the United States has an equal right to participate in the benefit of the public lands as the common property of the

Union; and that the states in whose favor Congress has not made appropriations of land for the purposes of education, are entitled to such appropriations as will be in just proportion with those already made in favor of other states, and in accordance with the principle upon which cessions have been made by states to the United States.

Resolved, That his excellency the Governor, be requested to transmit copies of the foregoing report and resolution to each of our senators and representatives in congress, with a request that they will lay the same before their respective houses, and use their endeavors to procure the passage of an act to carry into effect the just principles therein set forth.

Resolved, That his excellency the Governor, be also requested to transmit copies of the said report and resolutions to the Governors of the several states of the Union, with a request that they will communicate the same to their respective legislatures, and solicit their co-operation.

All which is respectfully submitted,

SAMUEL HILLMAN, Chairman.

State of South Carolina.

Executive Department,
Charleston, April 13, 1822.

Sir—Pursuant to the second resolution hereto annexed, and for the purpose therein stated, I transmit to you the enclosed report and resolutions upon the amendment of the constitution of the United States, proposed by the state of Pennsylvania.

I have the honor to be,

Your obedient servant,

THO. BENNETT.

His Excellency, the Governor of the state of Pennsylvania.

“In the House of Representatives, December 11, 1821.

“The special committee, to whom were referred the resolutions from the several states of Pennsylvania, Ohio, New Jersey, Vermont and Illinois, beg leave to report, that they have had the same under their consideration, and find that the state of Pennsylvania, by its resolution, has proposed an amendment to the constitution, in the words following, to wit: That ‘congress shall make no law to erect or incorporate any bank, other monied institution, except within the District of Columbia; and every bank or other monied institution which shall be established by the authority of congress, shall, together with its branches and offices of discount and deposit, be confined to the District of Columbia,’ in which that state requests the concurrence of her sister states; that the states of Ohio and Illinois

have concurred with Pennsylvania in the proposed amendment; and that the state of Vermont and New Jersey have disagreed thereto. Your committee are unanimously of opinion, that as congress is constitutionally vested with the right to incorporate a bank, it would be unwise and impolitic to restrict its operations within such narrow limits as the District of Columbia. They apprehend no danger from the exercise of the powers, which the people of the United States have confided to congress; but believe that in the exercise of these powers, that body will render them subservient to the great purposes of our national compact. Your committee, therefore, beg leave to recommend to this house the following resolutions.

"Resolved, That the legislature of the state of South Carolina, do not concur in the amendment of the constitution, proposed by Pennsylvania in the following words: 'Congress shall make no law to erect or incorporate any bank, or other monied institution, except within the District of Columbia; and every bank, or other monied institution which shall be established by the authority of congress, shall, together with its branches, and offices of discount and deposit, be confined to the district of Columbia.'"

"Resolved, That the Governor of this state, be requested to transmit copies of the foregoing resolution, to the executives of the several states, with a request that they lay the same before the legislatures thereof.

"Resolved, That the house do agree to the report. Ordered, that it be sent to the senate for concurrence."

By order of the House,

R. ANDERSON, C. H. R.

In the Senate, December 12, 1821.

"Resolved, That this house do concur with the house of representatives, in the foregoing report. Ordered that the report be returned to the house of representatives."

By order of the Senate,

WM. D. MARTIN, C. S.

Executive Office.

Columbus, Ohio, February 4, 1822.

Sir: I have the honor to inform you, that in obedience to a resolution of the legislature of this state, authorising the governor "to exchange Hough and Bourn's map of Ohio with the governors of other states for maps of their respective states,"

I have caused to be deposited with Messrs. Barr & Welsh, of Baltimore, one of the maps of Ohio, subject to your order.

I am, with great respect,

Your most obedient servant,

ALLEN TRIMBLE,
Acting Governor of Ohio.

Statement of the Columbia Pennsylvania Bridge Company.

November 28, 1822.

Debtor.	
To capital stock,	\$316,000 00
To notes in circulation,	4,004 67
To dividends undemanded,	2,523 00
	<hr/>
	\$322,527 67
Credit.	
By notes and bonds,	\$77,508 97
By cash on hand,	13,102 33
By cash paid United States 6 per cent. stock,....	45,894 22
By cost of bridge,	231,922 97
By real estate,	14,840 00
By stock unsettled,	4,084 00
	<hr/>
	\$387,352 49

The above statement was handed to us by William M'Knight, Esquire, treasurer of the company.

Sir: The undersigned, agent for the commonwealth, and the committee on the part of the managers, submit to his excellency, the Governor, the above statement of the affairs of "the company for erecting a bridge over the Susquehanna river, in the county of Lancaster, at or near the town of Columbia." The undersigned cannot but press upon the attention of your excellency, the importance of giving such employment to the funds now in the coffers of the company, as will afford a profit on the amount which the state has invested. To incorporate the company as a banking institution, would not only prevent the collision of interest which has arisen between the stockholders who first subscribed, and those who subscribed on the condition that the surplus funds should be appropriated to banking purposes, but would advance the stock from its present reduced price in the market to its par value. From the commercial situation of Columbia, the prosperous state of the company's funds, and the sentiment in favor of the necessity

of investing this institution with banking powers, the undersigned would infer that there can be little doubt that if incorporated, this company would sustain the high credit it has always possessed, and again, as formerly, make the dividend of profit more than six per cent. All of which is respectfully submitted, by

Your Excellency's

Humble servants,

BENJAMIN OBER,
Agent.

B. GRIMLER,
HENRY KEFFER,
Committee.

His Excellency, Joseph Hiester, Governor of Pennsylvania.

To the Assembly Concerning a Loan to the State.

Gentlemen,

BY AN ACT OF ASSEMBLY, PASSED ON THE 23d of March, 1818, authorising the Governor to procure on loan, the sum mentioned therein, \$50,000, part thereof, was borrowed of the Bank of Philadelphia, on the 7th day of April, 1818, at an interest of five per cent. per annum, reimbursable within four years, and in such instalments as in the opinion of the Governor the finances of the state would justify. —A farther sum of \$50,000, was borrowed on the 24th day of November, in the same year, of the same bank, and on the same terms.

The interest on these loans has been regularly paid by the State Treasurer, until lately; that a difficulty has arisen between that officer and the cashier of the bank, respecting its payment. This circumstance was communicated to me by a letter from the Treasurer of the State, dated on the 19th of September last, copies of which, and of the correspondence of these officers, on the subject are herewith transmitted.

Although both these loans were made reimbursable within four years, according to the terms of the act under which they were obtained, yet it appears from the act incorporating the Bank of Philadelphia, passed on the 5th day of March, 1804, that it was bound to lend the government the sum of \$100,000, at five per cent. per annum, for any term not exceeding ten years. No application has been made by the bank to me for the payment of these loans. I think it proper to add, that the power vested in the Governor by the act of the 2d of April, 1821, to draw money from the Treasury during the recess of the Legislature, for extinguishment of debts due to the banks of the city of Philadelphia, is applicable only to the discharge of the debts bearing an interest of six per cent. and that the loan of \$400,000 authorised by the act of last session, was intended for the same object.

In making this communication to the Legislature, which contains all the facts and information which I possess on the subject, I would submit for the consideration, the propriety of providing by law for the renewal of these loans, if such an act be deemed necessary.

JOSEPH HIESTER.

December 13, 1822.

DOCUMENTS.

Treasury Office, September 19, 1822.

Sir—Permit me to lay before you the correspondence that has taken place between myself and the cashier of the Philadelphia bank, respecting the interest on a loan of \$50,000 which fell due on the 10th day of April last.

Believing it to be the province of the Chief Magistrate to take such order as he might deem fit respecting the payment of the loan, was the cause of my not presuming to pay the interest which had accrued since the term of the loan expired.

Will you be pleased to communicate to me the result of your conclusions on this subject?

I am, sir, with due respect,

Your obedient servant,

WILLIAM CLARK, Trea'r.

His Excellency, Joseph Hiester, Governor of the Commonwealth of Pennsylvania.

Treasury Office, September 11, 1822.

Dear Sir: Enclosed you will receive a check on the Philadelphia bank for four thousand two hundred and fifty dollars, being the amount of interest due by the commonwealth to said bank, on the 10th instant, on the following loans, viz: \$50,000 on the 27th November, 1818, at 5 per cent., \$50,000 on the 2d December, 1820, at 6 per cent., and \$50,000 on the 19th March, 1821, at 6 per cent. One other loan, of 50,000, was obtained of said bank on the 10th of April, 1818, for four years, which term expired on the 10th of April last: It must therefore, be considered as a debt due by the commonwealth, and not a loan since the 10th of April last. Under these circumstances, and as at present advised. I do not consider myself authorised to pay the interest on said loan, up to the 10th instant.

Yours, most respectfully,

WILLIAM CLARK, Treas'r.

Q. Campbell, Cashier, Philadelphia Bank.

Philadelphia Bank, September 17, 1822.

Dear Sir: Your favor of the 11th instant, has been submitted by me to the board of directors of this bank. Six months interest on the four loans made by this bank, to the state, became due on the 10th instant: and as the whole amount thereof was embraced in the estimate of the profits accruing from the operations of this institution, for the last half year, it is with regret they learn any difficulty has presented itself to your mind, as to the payment of part of the said interest. I am requested to beg you will be so good as to give it your early attention; when it is hoped, on a further reconsideration you will feel at liberty to transmit me a check for the balance of interest to the 10th instant.

I am, most respectfully,

Your obedient servant,

Q. CAMPBELL, Cash'r.

William Clark, Esq., State Treasurer.

To the Assembly with Papers of the New Jersey Legislature concerning a Bridge across the Delaware and other Documents.

Gentlemen,

I HAVE DIRECTED TO BE LAID BEFORE YOU, agreeably to the request of the Governor of the state of New Jersey, copies of two letters from him, covering a preamble and resolution adopted by the legislature of that state; together with a memorial of the directors of the Pennsylvania and New Jersey Communication Company: and also of an act, passed by the same legislature, regulating the fisheries in the river Delaware.

JOSEPH HIESTER.

January 6th, 1823.

DOCUMENTS.

State of New Jersey.

Elizabethtown, December 27, 1822.

Sir—In conformity with a request of the legislature of this state, I have the honor to transmit to your excellency the enclosed resolution and preamble, together with a memorial of the directors of the Pennsylvania and New Jersey Communication Company, and to request that you will cause them to be laid before the legislature of Pennsylvania.

With the highest respect, I am, Sir,

Your obedient servant,

ISAAC H. WILLIAMSON.

His Excellency, the Governor of the state of Pennsylvania

State of New Jersey.

Whereas, by a convention of the states of New Jersey and Pennsylvania, held in the year seventeen hundred and eighty three, the commissioners, on behalf of each, entered into a compact, whereby the river Delaware and its waters should be and remain of common use to the two states, and that neither should be thereafter authorised to erect any improvements thereon, or divert its waters for separate use without the consent and approbation of the other: And whereas, the said

river borders on the two states, about one hundred and fifty miles, and unless each shall disregard considerations of the private local interest of her citizens, many important improvements on or over the said river may be entirely defeated, the utility of which, on the score of general policy, could not be questioned: And whereas the Legislature of this state has passed an act incorporating a company to erect a bridge from a point near Camden to Windmill Island, together with two supplements, containing also a provision that said act shall not take effect or become a law until an act of concurrent import shall be passed by the state of Pennsylvania: And whereas, the opinion of successive legislatures has been expressed from time to time for several years with more than common unanimity in favor of the passage of said acts: And whereas the two states have strong ties of mutual interest, and in a great degree even the same interest in the growth and prosperity of Philadelphia; and it is desirable that they should always maintain the present reciprocal good feelings and desires, to meet the views of each other, more especially as to a free intercourse, therefore it is hoped that the legislature of Pennsylvania, after seeing the importance which the legislature of this state have, for several years, attached to this public improvement, will, with their accustomed liberal and dignified policy, take the subject into their early consideration, and concur in the views and wishes of this state, by granting a liberal authority, to erect the said bridge, on the scite aforesaid, on such terms as are usual in such corporations, and such as will encourage individuals to make the investments necessary to complete the work. Therefore,

Resolved, by the council and general assembly of this state, That the Governor be, and he is hereby requested to communicate this resolution and preamble, together with the memorial of the directors of the Pennsylvania and New Jersey Communication Company, to the Governor of the state of Pennsylvania, with a request that he will cause them to be laid before the legislature of that state, at an early day of their next session.

To the Honorable the Legislative Council and General Assembly of the state of New Jersey:

The undersigned Directors of the Pennsylvania and New Jersey Communication Company, respectfully sheweth:

That, in appreciating the value of internal improvements there can be but little doubt, that next to the natural resources

of the United States, they form the greatest source of wealth that her citizens enjoy. The ascending and descending navigation of the Mississippi has brought a million of square miles within ten miles of a navigation, which conveys the produce of the country and its returns to and from every quarter of the globe. The turnpike roads and waters made navigable from the Atlantic into the interior, have reduced the ascent of the mountains to five degrees, and opened an access to a wide extent of fertile country; whereby three-fourths of the value of transportation is saved, and without which in many cases, produce would not be worth transporting. A tract of more than thirty thousand square miles which was a short time ago a wilderness in the state of New York, has recently had the foreign commerce of all the world brought within a few miles of every inhabitant's door. In short, the improved communication, and the new facilities of performing labor, are in every part of the country so numerous and so apparent; that they flash instant conviction on the mind of every man, that internal improvements form one of the most important sources of riches and happiness which these states enjoy. These new riches, for the most part attach to the soil and the rivers, and yield a perpetual revenue. A river has often been made of more value than the whole country it waters. A section of country may be so increased in its products, by artificial improvements, that the new product will actually purchase or pay the value of the original unimproved soil every three years, and in some cases every year. Providence has left much to the inventive genius and industry of mankind in ministering to his own wants. The state of New Jersey, situated in a mean climate, between the two principal cities of the Union, with two-thirds of its outward boundary on navigable waters, contains 3,300 square miles. Its average per square mile does not equal one, and perhaps several millions of miles in the state of New York, and other interior parts of the United States, which a short time ago produced only a few furs, the value of which might be estimated at nothing after deducting a reasonable allowance for the labor of procuring them. What but the new improvements introduced by the hand of enterprize, has done this? To facilitate communication is equivalent to lessening distance. A road or ferry which can now be travelled over in one-half the time formerly required, may be considered as reduced in length one half, for all the useful purposes of life. And we can clearly discern that the progress of intercourse with every part of this state, produces

a sure and correspondent increase in the value of property. Those parts to which a communication is opened by steam boats from New York have become frequented by travellers. They have received many settlers. The circulation of money has increased, and the demand for the necessities of life, and the use of property to produce them, have also been greatly augmented within a few years. Should a canal be completed from Philadelphia to New York, the neighboring country through which it passes must be greatly enhanced in value. The two cities must become tributary to us for the use of our soil over which to carry the canal. We may derive an important revenue from transportation. And the insurance saved against sea risk alone on the whole amount of goods transported through the state, will amount to an important revenue; add to which the advantages of an easy and cheap access to either market ourselves. Should the Camden bridge be completed, it will also improve the intercourse with a large section of this state, which must give a new value to it. Within the last seven years, the communication with that section has been facilitated by means of steam boats. The returns from the city are supposed to have increased about five fold; and yet the value of our lands is scarcely one-fourth those of Pennsylvania, at the same distance from Philadelphia. Should our intercourse with the city by means of the bridge be made easy and certain at all seasons of the year, our lands in that vicinity must be greatly increased in value, because the returns for the productions of that part of the state must also be greatly increased, and Camden will become an important manufacturing town. Besides which, a large profit may be derived to the state, or to others, from the transportation; while our citizens and the citizens of Pennsylvania who pay it, will have a deduction of fifty per cent. from what they now pay. The source of this extraordinary revenue is in the new facilities adopted for crossing the river. The present amount of crossing and transportation is ascertained to cost the public about \$66,000 a year. The ferry masters are obliged to expend all or nearly all that sum to keep up their present establishments. But the same, or even five fold more crossing, by a bridge, may be completed for less than \$20,000, and with incomparably greater convenience and economy of time and expense to the public, and avoid the numerous exposures of life and health to which our citizens are now subjected. Thus \$40,000 per annum, or thereabouts, will inevitably be saved by this simple and common method of improving our intercourse with the city

and the property and inhabitants of a great section of this state be benefited for many succeeding generations. Notwithstanding the progress of internal improvements has invariably marked the rise and value of property, the increase of population, of learning and improvement in every part of the United States, and are a sure presage of them all; still they have been matured against inconceivable difficulties. Every useful improvement supersedes other interests already existing, which will forever excite opposition. There is not a steam boat navigation on any river in the Union, which has not been opposed by the turnpike or other roads parallel with their waters, and by the taverns and many other local interests; and that opposition would now rejoice to see the steam boat system abolished. Can the owners of ferries avoid feeling opposed to the erection of bridges? Can a new turnpike road although it shortens a distance from ten to five miles, avoid the opposition of all the more numerous interests on the old road? These difficulties are inevitable. They call for the best talents among us. They require practical knowledge. They require invincible perseverance. In short, they require money and every qualification necessary to encounter and avert great difficulties and to advance unpopular interests. These are certainly no common acquirements among mankind. And with them, all, without the fostering hand of the legislative bodies, nothing comparatively has been done, nothing can be done. The pioneers in improvements are at their mercy. Public improvements start into existence or are forever crushed by their acts. No other power can transport the clashing circumstances from the local scenes of contention and try and decide the question of public good with candor and justice. No other earthly power can hear individuals on the merits of their claims, abstracted from their private interests, and weigh them in the scale of public good, of which they are the only and ought to be the faithful guardians.

To the honorable the Legislative Council and General Assembly of the state of New Jersey, these considerations are respectfully submitted. With them also are submitted documents and other information, shewing the advantages of the proposed Camden bridge, both to the public and to the stockholders.

The feelings of a great section of this state are deeply interested in the progress of this work. Their eye is fixed on the legislature, in the hope and expectation of some assistance to remove the opposition of private interests by securing to the state an important object while it is to be had. Banks and

insurances offices may become useless, but who of us or our posterity will live to see a growing population withdraw its intercourse with the market of the city? To their wisdom they submit their claims with the fullest confidence that the feelings, the wishes, and the interests of every important section of this state will be duly appreciated. They submit them with the confident hope of a liberal dispensation of aid, and that on their return to their constituents they may meet a cordial welcome and many of them witness a new era of local prosperity.

Pennsylvania Directors.

Joseph White,
Edward Smith,
William Duncan,
Clayton Earl,
William Heyle.

Jersey Directors.

Thomas Chapman,
Ed. Woodruff,
Edmond Rcuvert,
Samuel Harris,
James Cooper,
Jacob Evaul.

To the Assembly with the Report of the Adjutant General for 1823.

Gentlemen,

I HAVE THIS DAY APPROVED AND SIGNED the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the House of Representatives, in which they originated, viz:

* * * * *

I have also directed to be laid before you, copies of a letter from the Adjutant General, accompanied by a detailed report of the militia of this Commonwealth, for the year 1822, together with a statement of the ordnance, camp equipage and military stores, deposited in the state arsenals, or in the hands of volunteers, and in charge of the brigade inspectors.

JOSEPH HIESTER.

January 21, 1823.

DOCUMENTS.

Adjutant General's Office,

Philadelphia, January 13, 1823.

Sir—I have the honor to transmit herewith, agreeably to law, the enclosed detailed report of the militia of the Commonwealth of Pennsylvania, for the year 1822, together with a statement of the ordnance, camp equipage and military stores, deposited in the state arsenals, or in the hands of the volunteers, and in charge of the brigade inspectors.

From the arrangements made early last summer, I had flattered my self with the hope of being enabled to present this report previous to the meeting of the Legislature; but, notwithstanding my utmost efforts to procure the returns, it is only a few days since the two last were received, although the brigade inspectors had been directed to send their returns to this office early in October. And in the execution of my duty, I regret to have to state, that I was compelled to give notice to the state treasurer, agreeably to the 51st section of the militia law, in order that he should stop the compensation of the brigade inspectors of the 2d brigade, 1st division, 2d brigade, 12th division, and 2d brigade, 14th division, for having neglected or failed to make the returns to this office, as required by law.

The returns of the brigade inspectors have generally been prepared with much greater care than heretofore; and, in consequence two brass field pieces, and one dismounted iron cannon, with several thousand public muskets, have been returned this year, that were not in last year's report: no doubt many others will yet be returned.

Considerable progress has been made in cleaning and repairing the public arms and property in the arsenals, under contracts very advantageous to the Commonwealth; and it gives me pleasure to state, that the contractors have faithfully complied with their engagements: they have already finished 2,700 muskets; and have washed and cleaned 2,226 tents, that were found to be very dirty and in a perishing condition. Sundry necessary repairs have also been made at the arsenals, a particular statement of which, with the proper vouchers, will be submitted as soon as the bills shall have been received.

Since my last report, 4,055 muskets have been issued to the volunteers; three field pieces have been transferred to different brigades, and 1,017 old and damaged muskets have been returned to the arsenals.

The person who contracted to repair the carriages of the brass field pieces, at Meadville, informs me, that on commencing his work he found them totally decayed, and not worth repairing, as the parts that appeared to be sound, were found to be destroyed by the dry rot. The carriages of many of the other brass field pieces will also require considerable repairs to render them fit for service. The two brass 12 pounders at Philadelphia, are not worth re-mounting, and I beg leave to recommend that they should be disposed of as useless.

Some of the brigade inspectors state that they meet with much difficulty in obtaining security for the public arms in the hands of the volunteers; and others inform me that "it is out of the question to think of getting security," and that the officers will not give any; whilst other inspectors have demanded and obtained the required security for all arms under their charge.

With the highest respect,
I have the honor to be,

Your obedient servant,

ROBERT CARR,

Adjutant General of the Militia of Pennsylvania.

His Excellency, Joseph Hiester, Governor of the Commonwealth of Pennsylvania.

To the Assembly Concerning a State Loan and transmitting Certain Documents Relating Thereto.

Gentlemen,

I HAVE THOUGHT IT MY DUTY TO LAY BEFORE the Legislature the copy of a letter addressed to the Executive by the cashier of the Bank of Pennsylvania, respecting the loan of \$50,000, negotiated with that bank on the 18th day of December, 1818, for the use of the Commonwealth, under the authority of an act passed on the 23d day of March, 1818; and copies also of the correspondence between the State Treasurer and Mr. Chauncey, which gave rise to that letter.

In submitting this subject to the consideration of the Legislature, I have deemed it proper to give a brief

history of the proceedings with which it is connected; it being in my view a transaction of much importance, both as it respects the principles which it involves, and the public interest also which it affects.

The instalment of \$50,000 payable to the Bank of Pennsylvania, on the 21st ultimo, the payment of which is now demanded by the cashier of that institution, is part of the sum of \$530,000, due the Bank of Pennsylvania, and the Philadelphia Bank, for which loans were authorised by different acts of Assembly, passed during the administration of my predecessor in office. Of this amount \$480,000 were borrowed by the late Governor Findlay, and the remaining \$50,000 were borrowed since I came into office. Of the whole sum thus borrowed \$430,000 are at an interest of six per cent. per annum, and \$100,000 are at the rate of five per cent. per annum. This last mentioned sum was borrowed of the Philadelphia Bank, which by a provision in the act authorising its incorporation, passed on the 5th day of March, 1804, was bound to lend the Commonwealth that amount, at an interest of five per cent. per annum, for any period not exceeding ten years.

It appears from the terms of agreement made with the different banks at the several periods of borrowing, that a discretion was reserved in each case by the Executive agreeably, to the terms of the law, of reimbursing the principal of the loans before the expiration of the time limited for their payment, provided the situation of the treasury should admit of the exercise of such discretion; but there is no other power in any of the acts authorising these loans, nor has any authority been given by any subsequent act, which requires the executive to make payment; nor has any specific appropriation been made by the Legislature for that purpose. It is true the act of the 2d of April, 1821, contains a provision vesting the Executive with a discretionary power after the year 1821, respecting the pay-

ment of the six per cent. loans, but that power is not only confined to the six per cent. loans, but its operation, as to time, is limited to the session, during which the Legislature alone possesses the power of determining on the expediency of payment; nor can it be presumed that the Legislature, under a full knowledge that the loan of \$100,000 contracted with the Philadelphia Bank, at an interest of five per cent. and that that bank was bound by its charter to lend that sum to the Commonwealth at that rate of interest for any period not exceeding ten years, intended to vest the Executive with power to pay off the five per cent. loans, before the time at which the bank could legally demand payment, so long as any portion of the six per cent. loans remained unpaid. In respect to the five per cent. loans negotiated with the Philadelphia Bank, I think it very questionable, whether that bank could, without a breach of contract and good faith, demand payment of the principal, until the expiration of the period for which it was bound to lend, under the charter provisions: but let the law on this question be what it may, the fact is, that no demand has been made by the bank for the payment of the principal. All they ask is the payment of the interest, and that interest has always been paid by the state Treasurer, until the 10th of April last, since which time he has declined paying it, assigning as a reason that he did not consider himself authorized to pay the interest after the principal had become due.

It also appears from the correspondence between the State Treasurer and the cashier of the Bank of Pennsylvania, that that institution, content with receiving its interest, was satisfied with the faith of the state, already pledged in the act authorizing the loan, until payment of interest was refused by the treasurer of the state, and a demand of principal recommended to be made of the Governor, as a measure calculated to bring the business to a proper conclusion. The interest

on these loans has always been paid by this officer without any warrant, or order from the executive: indeed any act or interference on his part, with a view of drawing money from the treasury, to pay either principal or interest, without an express authority given him for the purpose, would, in my opinion, form a dangerous precedent: one which I would be very unwilling to introduce; or even to be governed by, if it already existed.

As far as expediency of payment in the present case depended on Executive discretion, that discretion has been already exercised, and the result made known. It is even questionable whether that discretion, considered as vested in the Executive, has not been superseded or suspended by the act of April, 1822, which makes a new provision for discharging the six per cent. loans, by authorising the State Treasurer and Auditor General to negotiate a loan of \$400,000 for that purpose, and vesting these officers not only with authority to borrow, but also with the power to pay. By a reference to the Journals of the House of Representatives of the last session, it appears that this act was predicated on reports of the committee of ways and means, whose peculiar duty it was to obtain all the information necessary for enabling them to provide for payment of claims on the government during the current year, and who in the course of their researches became possessed of a full view of the nature and respective situations of the several loans, and of the different acts of Assembly by which they were authorised.

As the case therefore to which the correspondence refers, does not in my opinion, fall within the sphere of executive power, but belongs more appropriately to the Legislature, whose peculiar province it is to devise the ways and means of providing for the public debt, and directing the mode of payment, that department of government will no doubt make such provision for meeting the exigency, as may be deemed proper.

In the communication which I had the honor of sub-

mitting to the Legislature at the commencement of the present session, the reasons were stated which governed my conduct during the recess, in calling on the officers of the treasury department for the purpose of obtaining information of the state of the finances, and ascertaining whether any money could be safely drawn from the treasury to discharge the six per cent. loans. In that communication my opinion was expressed on the subject, as founded on the representation made by these officers, of the probable situation of the treasury on the 30th of November last, the end of the financial year. Taking into view the money on hand, the amount of outstanding appropriations, the probable demands on the treasury, and the failure of the commissioners appointed by law to obtain a loan of \$400,000, to discharge the six per cent. loans, it did not appear to me that any money in the treasury could with safety be applied to that object. Since that period the Legislature has been furnished with the annual report of the Auditor General, exhibiting a view of the actual state of the treasury on that day, and also of the appropriations then remaining unpaid; and in addition to this with an estimate furnished by that officer, of the probable receipts at the treasury, and the demands to which it is subject during the current year, a considerable portion of which was created by acts of the Legislature during the two last preceding administrations.

To these documents and to the different acts of Assembly on the subject of loans, and to the act incorporating the Philadelphia Bank, I respectfully beg leave to refer. They will be found to contain all the information necessary to enable the Legislature to act in the premises, in such manner as will best conduce to the public good.

JOSEPH HIESTER.

January 22d, 1823.

DOCUMENTS.

Treasury Office.

January 8th, 1822.

Sir—I hasten to lay before you copies of the letters which have passed between the cashier of the Bank of Pennsylvania and myself, respecting the principal and interest of a loan of fifty thousand dollars which was negotiated under the provisions of an act of Assembly, passed the 23d day of March, 1818, and which by the terms on which the loan was obtained, became due on the 21st ultimo.

I am with due respect,

Your obedient servant,

WILLIAM CLARK, Treasurer.

His Excellency, the Governor of Pennsylvania.

Philadelphia, January 1, 1823.

Commonwealth of Pennsylvania,

To Bank of Pennsylvania, Dr.

1822.

December 31. To six months interest on \$330,000 at	
six per cent. per annum,	\$9,900
E. E.	

Bank of Pennsylvania.

December 31, 1822.

Dear Sir—Annexed, I hand you a statement of interest, for the last six months, ending this day, on the loans made by this bank to the Commonwealth of Pennsylvania, bearing an interest at the rate of six per cent. per annum, which, if found correct, you will please to forward to me a check for the amount as soon as convenient.

I am, dear sir,

With great respect,

Your obedient servant,

E. CHAUNCEY, Cashier.

William Clark, Esq., Treasurer of the Commonwealth, Harrisburg, Pennsylvania.

Treasury Office.

January 2, 1823.

Dear Sir—Yours of the first instant, requiring my check for the amount of interest due the Bank of Pennsylvania, on the 31st December last, on the six per cent. loans, came duly to hand; and in return I transmit you, herein enclosed, a check on the Bank of Pennsylvania, for nine thousand eight hundred and ninety-one dollars and sixty-seven cents. You will please to

observe, that of this amount interest is only calculated on the loan of fifty thousand dollars, obtained for four years, under the act of the 23d of March, 1818, up to the 21st December last, at which period the said loan fell due. It is my opinion, that the chief magistrate of the state is the only person on whom you can call for either principal or interest of a loan after it falls due. I would therefore beg leave to recommend to you, to require payment of his Excellency the Governor; such a measure would, in my opinion, have the tendency to bring the business to a proper conclusion.

I have the honor to be,

With the highest consideration of respect,

Your obedient servant,

WILLIAM CLARK, Treasurer.

E. Chauncey, Esq.

Bank of Pennsylvania.

January 6, 1823.

Dear Sir—In consequence of your letter of the 2d instant, I am instructed, in behalf of the Bank of Pennsylvania, to require from you, as Treasurer of the Commonwealth, the payment of the principal of the loan of 50,000 dollars, made by this bank to the Commonwealth on the 21st of December, 1818, and which by the terms of the contract became due on the 21st ultimo, together with the interest which may be due thereon.

I am, dear sir,

With great respect,

Your obedient servant,

E. CHAUNCEY, Cashier.

William Clark, Esq., Treasurer of the Commonwealth, Harrisburg, Pennsylvania.

Bank of Pennsylvania.

January 6, 1823.

Sir—By a letter this day received from the Treasurer of the Commonwealth, dated the 2d instant, a copy of which will be found enclosed, I am referred to your Excellency for the payment of interest, from the 21st ultimo, on the loan of 50,000 dollars, made by this bank to the Commonwealth of Pennsylvania, on the 21st of December, 1818.

In consequence of the treasurer's letter, I am now instructed in behalf of the Bank of Pennsylvania, to require from the Commonwealth, payment of the principal of said loan of

50,000 dollars, together with the interest which may be due thereon.

I have the honor to be,

With great respect, sir,

Your most obedient servant,

E. CHAUNCEY, Cashier.

To his Excellency, the Governor of Pennsylvania, Harrisburg,
Pennsylvania.

To the Assembly with the Action of the Massachusetts Legislature on a Proposed Constitutional Amendment Limiting the Power of Congress in Establishing Banks, Papers relating to a Survey of the Potomac River, and a Report of the Northumberland Bridge Company.

Gentlemen,

I HAVE THIS DAY APPROVED AND SIGNED the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the Senate where they originated, viz:

* * * * *

I have also directed to be laid before you, agreeably to the request of the Governor of Massachusetts, copies of the proceedings of the Legislature of that state, on the subject of a proposed amendment to the constitution of the United States, limiting the power of congress to incorporate a bank or other monied institution, to the District of Columbia, proposed by the Legislature of this Commonwealth. Also copies of a letter from the Governor of Maryland, and a report of commissioners appointed by the Executive of Maryland and Virginia, to survey the river Potomac. And also copies of a letter from J. P. De Gruchy, president of the board of managers of the Northumberland Bridge Company, together with copies of the accounts of the company to the fourth of May last.

JOSEPH HIESTER.

February 1, 1823.

DOCUMENTS.

Commonwealth of Massachusetts.

Executive Department, January 20, 1823.

Sir—Agreeably to a request of the Legislature of this Commonwealth, I have the honor to forward herewith, a copy of a resolution, passed on the 17th instant; requesting that the same may be communicated to the Legislature of the state over which you preside;

And am respectfully,

Your obedient servant,

J. BROOKS.

His Excellency, the Governor of Pennsylvania.

Commonwealth of Massachusetts.

The committee of both houses, to whom was referred so much of the message of his Excellency the Governor, as relates to a proposed amendment to the constitution, limiting the power of Congress to incorporate a bank, or other monied institution, to the District of Columbia, proposed by the Legislature of the state of Pennsylvania, with the decision of the Legislature of the state of South Carolina thereon, having, according to order, had the same under consideration, thereupon ask leave to report:

It appears that the proposed amendment has been already acted upon, and decided by the Legislature of this Commonwealth, upon the original proposition of the state of Pennsylvania, by a resolution, passed 21st January, 1820, by which the Legislature expressed their non-concurrence in the proposed amendment. Your committee are of opinion that the Legislature, having once acted definitely on the proposed amendment, have no further power on the subject, unless upon a new and original proposition, submitted to them by some other state, or brought forward in this Legislature. It becomes, therefore, unnecessary at present to express any opinion upon the merits and principles of the proposed amendment; although, were the question an open and original one, the committee would have no hesitation in expressing their entire concurrence in the decision heretofore made.

Perceiving, by a reference to the above recited resolve, that no order was passed providing for communicating the decision of the Legislature of this Commonwealth, on the proposed amendment, to the other states, and to Congress, and believing that such communication is proper and necessary for their in-

formation and government, respectively, the committee recommend the adoption of the following resolutions:

Whereas, the Legislature of this Commonwealth, by a resolution, passed on the thirty-first of January, A. D. 1820, having considered the amendment to the constitution of the United States, proposed by the Legislature of the state of Pennsylvania, in the words, following, to wit: "Congress shall make no law to erect or incorporate any bank or other monied institution, except within the District of Columbia; and every bank or other monied institution which shall be established by the authority of Congress shall, together with its branches and offices of discount and deposit, be confined to the District of Columbia;" and thereupon having decided not to concur in the said proposed amendment,

Resolved, That his Excellency the Governor, be requested to transmit a copy of this resolution, to the Executives of the several states of the Union, with a request that the same may be communicated to the Legislatures thereof: also to the President of the United States, with a like request that the same be communicated to Congress for their information, respectively.

Approved by the Governor, January 17, 1823.

(Copy.)

A. BRADFORD, Secretary.

In Council,

Annapolis, January 24, 1823.

Sir—In pursuance of a resolution of the General Assembly of this state, we have the honor to send to you enclosed, a copy of the report of the commissioners appointed by the Executives of Maryland and Virginia, to survey the river Potomac, and have respectfully to ask that you will lay the same before the Legislature of the state over which you preside.

We have the honor to be,

With great respect,

Your obedient servants,

SAMUEL STEVENS, Jr.

His Excellency the Governor of the Commonwealth of Pennsylvania.

Northumberland, January 8, 1823.

Sir—On the 3d January last year, I had the honor of forwarding to your Excellency, the accounts of the Northumberland Bridge Company for the preceding year: I have once

more, by order of the Board of Managers, to send you the accounts to the annual time of making them up, the 4th of May last.

I have the pleasure to inform you that the company is now out of debt; and that notwithstanding the great drought and long continuance of low water, the past year, still the toll had been decreasing the four former years, has increased a trifle; say to the amount of eighty-nine dollars fifty-two cents, which leads to a hope that commerce is reviving. It must be recollected, however, that notwithstanding this pleasing prospect, the toll of the last year, is about one thousand nine hundred dollars less than it was for the same time, at the end of the year 1817. The board will rejoice when the day arrives that will enable them to commence again making dividends, and until that time, they will continue to send annually their accounts for the information of the Legislature.

I have the honor to be, sir,

Your Excellency's,

Most obedient and most humble servant,

J. P. DE GRUCHY,

President, N. B. Co.

To his Excellency, Joseph Hiester, Esq., Governor of the state of Pennsylvania, &c., Harrisburg.

To the Assembly Transmitting Certain Documents.

Gentlemen,

I HAVE DIRECTED TO BE LAID BEFORE YOU, copies of a report of the commissioners for erecting a State Penitentiary, on the public land adjoining the town of Allegheny, opposite Pittsburg, in the county of Allegheny. Also copies of the proceedings of a general meeting of the officers of the first brigade, first division, Pennsylvania militia, proposing to the consideration of the Legislature, certain alterations and amendments to the existing militia law.

JOSEPH HIESTER.

February 11, 1823.

DOCUMENTS.

To his Excellency, Joseph Hiester, Esquire, Governor of the Commonwealth of Pennsylvania:

The commissioners for erecting a State Penitentiary on the public land adjoining the town of Allegheny, opposite Pittsburg, in the county of Allegheny,

Report:

That subsequently to the date of their last annual communication, they have expended on said building, the sum of seventeen thousand five hundred and two dollars, thirty and one half cents, which, deducted from the amount of the appropriation previously expended, leaves a balance, subject to the control of the commissioners, of twenty-six thousand two hundred and sixty dollars and four cents, a sum amply sufficient to meet the demands of the approaching season.

The commissioners have the pleasure of stating that the progress of the work entrusted to their superintendents, has hitherto equalled their most sanguine expectations. They have completed the outward wall and have roofed in the main building and towers. The workmanship of all which, has been executed in a style that for strength, durability and elegance, they believe will advantageously bear a comparison with any similar building in Pennsylvania.

Considerable progress has also been made in the foundation of the cells; but the commissioners have refrained from engaging in that portion of them which in the original plan is connected with the culvert, under the expectation that the Legislature will deem it expedient to dispense with that expensive and useless appendage.

Upon the subject of the culvert, the commissioners have already expressed to you their sentiments at large. They still continue to disapprove of it, as being costly, unwholesome, insecure, and by no means adequate to the objects it was intended to answer, more especially as the Penitentiary is built in a situation where the water requisite for its purification cannot be obtained.

The commissioners respectfully request you to lay this communication before the Assembly; that during the present session, it may be decided whether any new modification of that part of the plan shall be adopted; or whether the culvert shall

be constructed according to the drawing referred to in the first law on the subject.

With high respect,

We have the honor to be,

Your obedient servants,

JAMES ROSS,

WM. WILKINS,

ALEX. JOHNSTON, JR.,

JOHN SCULL,

A. BARKER.

Pittsburg, January 20th, 1823.

Philadelphia, February 5, 1823.

Sir—In compliance with a resolution, passed at a meeting of the officers of the first brigade of the first division of the militia of this Commonwealth, we have the honor to transmit to your Excellency, a copy of the proceedings of the said meeting, and respectfully, to request you, to submit the proposed alterations and amendments, to the consideration of the Legislature.

With sentiments of the highest respect,

We have the honor to be,

Your Excellency's most obedient servants,

T. CADWALLADER,

B. Gen. 1st Brig., 1st Div. P. M.

CHAS. SIDNEY COXE,

Col. 19th Reg. P. M.

To his Excellency, General Joseph Hiester, Governor and Commander in Chief of the Militia of Pennsylvania, Harrisburg.

To the Assembly Concerning Arms of the United States Which Came in the Possession of Pennsylvania During the Late War with Great Britain, with Certain Documents.

Gentlemen,

BY A RESOLUTION OF THE GENERAL ASSEMBLY, passed on the 7th of March, 1821, the Governor was directed "to cause to be delivered to any officer or agent, properly authorised to receive

the same, any arms or other property of the United States, which may have come into the possession of this state, in the late war with Great Britain, on application being made therefor, by such agent or officer." No application has been made to me, by any person under the authority of the general government, for any of its property of any description; but a letter was received some time since, from Col. Carr, Adjutant General of the militia of this state, covering a communication to him from Col. Bomford, of the ordnance department, proposing a settlement of accounts between the state and the United States, on certain principles therein stated. This was accompanied by a letter from Lieut. Martin Thomas, of the United States army, informing me of his having been appointed an agent, on the part of the general government, for the settlement of the account; and of his being ready to proceed to the execution of that trust, as soon as an agent should be appointed to attend to it on the part of the state. As the quota of arms to which the state is entitled under the act of Congress for arming the whole body of the militia, will form an item in this settlement; and as by the present militia law, it is made the duty of the Adjutant General, under the direction of the Governor, to attend to that business, I deferred taking any steps in it, until I could have an opportunity of seeing him.

As the resolution alluded to, did not appear to me to warrant the appointment of such an agent, and not knowing any act of assembly authorising the exercises of such power, I have thought proper to submit the business, with all the communications, I have received on the subject, to the consideration of the Legislature.

JOSEPH HIESTER.

February 14, 1823.

DOCUMENTS.

Adjutant General's Office.

Philadelphia, November 28, 1822.

Sir—I have the honor to enclose a letter from Colonel Bomford, of the United States ordnance department, relative to the settlement of the accounts for arms and other military stores, which passed between the United States and the state of Pennsylvania, during the late war. This communication was sent to me in answer to my application to the Secretary of War, for permission to exchange the bad rifles and muskets received from the United States. But as it embraces the accounts heretofore, I believe, directed to be settled by the Auditor General, I have enclosed the letter to you, for such disposition as it may require.

It has been detained by me, several days, for the purpose of shewing Lieutenant Thomas, who has charge of the United States Arsenal, near Philadelphia, that clause in it, which directs me to return the arms to the United States Arsenal; but he objects to receiving them, until the principles of settlement proposed by the ordnance department shall be recognized by the State Executive.

I have the honor to be,

Very respectfully, sir,

Your obedient servant,

ROBERT CARR,

Adjutant General of Pennsylvania.

His Excellency, Joseph Hiester, Governor of the Commonwealth of Pennsylvania.

Ordnance Department.

Washington, November 18, 1822.

Sir—I have the honor to inform you, that this department is now prepared to proceed to the investigation of the accounts, for arms and other military stores, which passed between the United States, and the State of Pennsylvania during the late war. Lieut. Martin Thomas has been furnished with all the necessary documents; and is instructed to investigate and state the account, on the part of the United States, in conjunction with yourself, or any other person who may be authorised on the part of the state.

The principles which have been adopted in the settlement of similar accounts with other states, and which should govern in the present case, are as follow, to wit:

The state should be charged with all arms, accoutrements and camp equipage, issued by the United States.

1st. To the executive authority of the state.

2d. To the militia of the state, when in the service of the United States, and which were not returned to the United States, but turned into the state arsenals, or delivered to state officers. The number so turned in, or delivered only, to be charged.

3d. To the militia of the state, when not in the service of the United States. Satisfactory vouchers, for charges made under either of the foregoing heads, to be produced by the United States.

The state to be credited with all arms, ammunition and camp equipage, issued by the state.

1. To troops of the regular army of the United States, or to volunteers in the service of the United States, and who were entitled to retain their arms, when discharged.

2d. To militia in the service of the United States, and which were not returned to the state, but which were turned into the United States arsenals, or delivered to United States officers, or which were captured or destroyed by the enemy while said militia were in the service of the United States. The number so turned in, delivered or captured only, to be credited.

3d. For arms, &c., returned to the arsenals, or delivered to officers of the United States, by the militia of the state, which were not in the service of the United States, the state will be credited.

4th. The state will also be credited with the quota of arms assigned to it, on the 1st of January, 1816, under the law of 1808, for arming and equipping the militia.

The state will produce satisfactory vouchers for all credits claimed by it.

For ammunition, the state will be charged, with such as has been issued by the United States to the executive authority of the state, or to its militia, and by said militia turned into the arsenals of the state. The state will be credited with such of the above ammunition as has been returned to the United States, or for any purchased by the state and delivered by it to troops in the service of the United States, whether regulars or militia, or turned into United States arsenals. The necessary evidence to be produced by the party claiming the credit, or making the charge.

The quota of arms assigned to Pennsylvania, from the

period prior to 1816, is 8,529 stands, which number will be admitted to its credit in the general account.

In stating the accounts under the foregoing principles, it is expected that each party will prepare an abstract of the several articles for which it claims a credit. This abstract should specify the articles in detail, the dates of issue, the names of the persons who issued and who received the property, and the name of the places where the transactions occurred: The whole to be sustained by satisfactory vouchers. When these abstracts are examined and admitted, by the respective agents, they will state a general account, and strike a balance on either side, as the case may be. These balances, when approved by the executive authorities of the state and United States, will be repaid in articles of like kind, as far as practicable; and where impracticable, the balances will be carried to the account of arms, apportioned under the law of 1808, from the period subsequent to January, 1816, and will be charged at their value.

The settlement now contemplated, should embrace every description of arms and military stores, which passed from the United States to the state of Pennsylvania, and vice versa, during the late war, or at any time anterior to the first of January, 1816. The balances stated will have reference to that date, and will not include any debits or credits under the law of 1808, for the period subsequent to that date.

The kind of vouchers which will be satisfactory, cannot be accurately described. The regular requisitions and receipts, should, however, be produced in all cases where it is practicable to obtain them, and in the absence of these, the best evidence the nature of the case will admit of, should be produced, and if satisfactory, will be admitted.

The muskets and rifles, mentioned in your letter of the 6th of August last, may be returned to the United States, upon their delivery at the United States arsenal, the state will receive a credit for the number so delivered. This arrangement, if it be made at all, should precede the general statement, and should be included in it.

The number of arms which may be apportioned to Pennsylvania, under the law of 1808, from the year 1816 to 1821 inclusive, cannot be now accurately ascertained. But an estimate, founded upon such militia returns as have been received, makes the number about 11,800 stands, of which the state received in February, 1820, artillery and arms equivalent to 3,484 stands, leaving yet due to the state, for this period, about 8,300.

It is desirable that these accounts should be settled as early as practicable; and this department will afford every facility in its power to bring them to an immediate and final close; and upon equitable and liberal principles.

If you should not consider yourself authorised to take up the business on the part of the state, I have to request that you will place this communication in the hands of the Governor, for such order in the case as he may deem necessary.

I have the honor to be,

Very respectfully,

Your most obedient,

GEO. BOMFORD,

Lieut. Colonel on Ordnance duty.

Col. Robert Carr, Adjutant General, Pennsylvania Militia, Philadelphia.

United States Arsenal,

Frankford, November 13, 1822.

Sir: I have received instructions from the U. S. Ordnance Department, to settle the account of arms and munitions of war which has arisen between the United States and the state of Pennsylvania.

I am ready to enter upon this business, with such person as may be designated by the Executive of the state.

I enclose herewith an abstract, &c., forwarded some time since, by G. Bryan, Esq., to the 3d Auditor of the U. S. Treasury, and by him transferred to the Ordnance Department, of military property charged by the state of Pennsylvania, against the United States. These papers have not been finally acted upon; and as all accounts of this nature will be embraced in the contemplated settlement, it is deemed correct to return them to the state.

I have the honor to be,

Very respectfully, sir, your obedient,

M. THOMAS, Jr.,

Lieut. U. S. A.

His Excellency, Joseph Hiester, Esq., Governor of Pennsylvania.

To the Assembly Vetoing "An Act Directing the Payment of Certain Debts Therein Specified."

Gentlemen,

AMONG OTHER BILLS, PRESENTED ON THE 14th of this month, for my approbation and signature, is one entitled "An act directing the payment of certain debts therein specified."

Whatever difference of opinion may have taken place between the Governor and the Legislature, as to certain facts set forth in the preamble, and however much they have disagreed in their construction of the constitution and the laws relating to the transaction to which it alludes, it was not expected that this difference of opinion would have been introduced into a bill, for any purpose; and much less for a purpose which, by its peculiar phraseology, it is apparently calculated to effect. Forcibly impressed with a sense of the unpleasant and evil consequences resulting from a want of mutual respect in the intercourse between different branches of government, I have scrupulously avoided interfering with the rights and privileges of the Legislature: and therefore, expected, in return, that my conduct, whilst governed by the constitution and sanctioned by the provisions of law, would not have drawn forth such animadversion as is expressed in the preamble. The facts it assumes, although they warrant a construction different from that entertained by the legislature, are represented in a manner so much at variance with common courtesy and the general principles and rules of Legislation, that I feel myself constrained, in support of the independence of the office of Chief Magistrate of the state, to enter my solemn protest against it. In times of high party excitement, the only safeguard to a Governor, is a strict adherence to the constitution and the laws: the former I have sworn to support, and the latter to execute with fidelity; and under this solemn injunction, I shall continue to execute the

important trust, uninfluenced by any other consideration than those which arise from an imperious sense of duty, and an anxious desire to maintain the rights and promote the interest of our fellow citizens.

For these and the following reasons, I cannot approve of this bill, and have directed the Secretary of the Commonwealth to return it to the House of Representatives, in which it originated, with my objections.

First. I cannot approve this bill, because it tends to sanction infringement of that part of the constitution which enjoins, that "no money shall be drawn from the treasury, but in consequence of appropriations made by law;" and justifies an illegal mode of paying loans and drawing money from the treasury, on the ground of an alledged practice, which practice, if it did exist, was applicable only to the case of loans paid under circumstances different from those embraced in the present bill. But though a case may have occurred in the time of a former Governor, of the payment of a loan made even under the same circumstances, of which however I have not yet been able to discover any evidence of analogy it could not be binding on his successor or furnish any example which ought to be followed, if by so doing its adoption would involve a palpable breach of the constitution. On the contrary, should I give my approbation to this bill, in its present shape, it would have the effect, as far as executive assent goes to produce it, of clothing an alledged practice, unsanctioned by the constitution, with the authority of law, in opposition to one of the plainest principles of that instrument, and establish, thereby a precedent dangerous in its consequences, and liable to be abused by a designing Governor and a subservient Legislature.

Second. I cannot approve this bill, because the preamble contains an allegation which charges the Executive with impairing the faith of the commonwealth, by

a neglect to pay the loans to which it refers; although it clearly appears from the different laws and circumstances connected with the transaction, that he was restricted from exercising such authority, not only by the act of April, 1821; but by the proceedings and acts of the Legislature at the last session, which provided for the continuance of the five per cent. loans, and the discharge of those bearing interest of six per cent. by a new arrangement to the correspondence between the officers of the banks from which these loans were obtained and the State Treasurer, I appeal, with confidence, for the truth of the assertion, that these institutions were so fully satisfied with the faith of the commonwealth, as already pledged in existing laws, that payment of the principal was neither demanded nor expected; and that it was the interest only they asked for, or expected to receive, until payment of interest was refused, and the cashier of the Pennsylvania Bank directed to call on the Governor for the reimbursement of the principal. By the act of the 2d of April, 1822, authorising the State Treasurer and Auditor General to negotiate a loan of \$400,000, the application of the money to the reimbursement of the six per cent. loans, was vested in these officers, beyond the control of the Executive; and if they have failed in obtaining the loan by a departure from the manner directed by the act, they alone are responsible for the consequences, and not the Governor to whom no agency had been assigned.

Third. I cannot approve this bill, in its present form, inasmuch as if the situation of the Treasury admits of payment of any money borrowed of banks, it is evidently against the interest of the state to discharge loans bearing only an interest of five per cent. per annum, the payment of which is not demandable, and has not been required, while the state is indebted to banks for loans bearing an interest of six per cent.

Fourth. I cannot approve this bill, because it proposes to withdraw from the treasury, before any plan has been devised or suggested for supplying the deficiency it must necessarily occasion, the means now on hand to discharge bank loans, for which the state is not called upon for payment, while appropriations to turnpike roads and other public improvements, remain unpaid to an amount greatly exceeding the sum now in the treasury, or which may be paid in during the current year; for it is evident, from the spirit and activity with which it is expected public improvements will be carried on, during the ensuing season, that actual demands on the treasury will take place, to an extent that must produce a deficit and impair the credit of the state, unless provision be made by the Legislature, for replacing the money thus withdrawn.

JOSEPH HIESTER.

February 19, 1823.

To the Assembly with the Action of the Georgia Legislature on the Proposed Constitutional Amendment Limiting the Powers of Congress with regard to Banks.

Gentlemen,

I HAVE THIS DAY APPROVED AND SIGNED the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the respective Houses in which they originated, to wit:

* * * * *

I have also directed to be laid before you, agreeably to the request of the Governor of Georgia, copies of the proceedings of the Legislature of that state, disagreeing to an amendment to the constitution of the United States, proposed by the Legislature of this Common-

wealth, limiting the power of Congress to incorporate a bank or other monied institution, to the District of Columbia.

JOSEPH HIESTER.

February 27, 1823.

DOCUMENTS.

Executive Department, Georgia.

Milledgeville, January 29, 1823.

Sir—Enclosed you will receive a printed copy of a resolution of the Legislature of this state, expressing their opinion upon the subject of confining the general government, in establishing banks or other monied institutions, within the District of Columbia.

I have to request that you will be pleased to lay the same before the Legislature of your state.

I have the honor to be,

Very respectfully,

Your obedient servant,

JOHN CLARK.

His Excellency, the Governor of Pennsylvania.

In Senate.

December 20, 1822.

The joint committee on the state of the republic, to whom was referred the correspondence between his Excellency Governor Clark and Governor Bennett of the state of South Carolina, have had the same under consideration, and beg leave to report:

That it does not appear to the committee to be expedient to deny absolutely to the general government, the power to establish a bank beyond the District of Columbia, although they are impressed with the belief, that the original grant of such power should be accompanied with a restriction, requiring the assent of each and every state to the location of the said bank or any branch thereof, within the limits of such state.

They, therefore, recommend the following resolution:

Resolved, That the Senate and House of Representatives of the state of Georgia, do not concur in the amendment of the constitution proposed by the state of Pennsylvania, in the following words: "Congress shall make no law to erect or incorporate any bank or other monied institution, except within the Dis-

trict of Columbia, and every bank or other monied institution which shall be established by the authority of Congress shall, together with its branches and offices of discount and deposit, be confined to the District of Columbia."

Resolved, That the Governor of this state, be requested to transmit copies of the foregoing resolution to the Executives of the several states, with a request that they lay the same before the Legislatures thereof.

To the Assembly with a Communication from Maryland with regard to a proposed Canal Connecting the Susquehanna with the City of Baltimore.

Gentlemen,

I HAVE THIS DAY APPROVED AND SIGNED the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the Houses in which they respectively originated, to wit:

* * * * *

I have also directed to be laid before you, copies of a letter from the Governor of the state of Maryland, covering a resolution adopted by the House of Delegates of that state, on the 18th ultimo, relative to the appointment of commissioners to lay out and survey a route for a canal, which will connect the waters of the Susquehanna with the city of Baltimore, beginning at Conawago falls, or on a point of said river, which the commissioners may deem the most practicable, and also to lay out and survey a route for a canal from the same point on the Susquehanna or Conawago falls, to the head of tide water on the Susquehanna.

JOSEPH HIESTER.

March 10, 1823.

DOCUMENTS.

Council Chamber.

Annapolis, March 4, 1823.

Sir—In conformity with the directions of the Legislature of this state, I have the honor to transmit to you, the copy of a resolution passed at the last session, directing the Executive to appoint three commissioners to lay out and survey a route for a canal, which will connect the waters of the Susquehanna with the city of Baltimore, &c., &c., and have to request, that your Excellency will be pleased to cause the same to be laid before the Legislature of the state over which you preside, for the purpose of obtaining their consent, that the said survey may be made, as far as it may extend within the limits of Pennsylvania; and that the said Commonwealth would unite in promoting a work of such magnitude and importance.

I have the honor to be,

With great respect,

Your Excellency's obedient servant,

SAMUEL STEVENS, Jr.

His Excellency, the Governor of the Commonwealth of Pennsylvania.

By the House of Delegates,

February 18, 1823.

No. 28. Resolved, That the Governor, by and with the advice and consent of the Council of this state, shall appoint three commissioners, who, or a majority of them, shall be directed to lay out and survey a route for a canal, which will connect the waters of the Susquehanna with the city of Baltimore, beginning at Conawago falls, or on a point of said river, which the commissioners may deem the most practicable; and shall also be directed to lay out and survey a route for a canal from the same point on the Susquehanna or Conawago falls, to the head of tide water on the Susquehanna, and report upon the practicability, the expense and other necessary circumstances attending the same, to the next General Assembly; and that the Governor communicate to the Executive of Pennsylvania, a copy of this resolution, with a request that it may be laid before the General Assembly of that state, and that the commissioners may be permitted to make the said survey, as far as it may extend within the limits of Pennsylvania, and that the said state would unite with Maryland, to forward and promote a work of such importance to both, by the adoption of a similar resolution.

To the Assembly Vetoing "A Supplement to the Act Entitled 'An Act to Incorporate the Members of the Religious Society of the Roman Catholics, Belonging to the Congregation of St. Mary's Church, in the City of Philadelphia, passed the thirteenth Day of September, 1788.'"

Gentlemen,

ON SATURDAY EVENING LAST, A BILL WAS presented for my approbation, entitled "A supplement to the act entitled 'An act to incorporate the members of the religious society of the Roman Catholics, belonging to the congregation of St. Mary's Church, in the city of Philadelphia, passed the thirteenth day of September, one thousand seven hundred and eighty-eight,'" which has received all the deliberation in my power to bestow on it. As far as I have been able to examine the subject, and judge of the consequences likely to flow from the various provisions of the bill, viewed in connection with the relative situation of the parties to be affected by its operations, it appears to be one of no common importance, not only as respects constitutional principles, and chartered rights, but also as it concerns the interest, the peace and fellowship of a religious society, among whose members an unhappy dispute has existed for some time, and between whom a controversy arising out of this dispute is still pending before a judicial tribunal.

When a charter or act of incorporation has been granted by the legislature, conferring certain powers, rights and privileges on the individuals composing the body so incorporated, it becomes the duty of those whom the constitution has invested with legislative functions, to pause and deliberate before any innovation be made which may either transcend constitutional limits, or even tend indirectly, to impair rights secured by a compact, created and established by the

solemn sanction of law. These considerations acquire additional force from the circumstance, that it is proposed to make an alteration in the charter of a religious community, incorporated so early as the year one thousand seven hundred and eighty-eight, without the full consent of the congregation, and at a time of great excitement produced by existing disputes, which embrace not only differences respecting the management of the temporal concerns of the society, but, operating in their consequences, to subvert or disturb fundamental articles of faith, in contravention of the pious intentions of the founders of the church. It is even doubtful, on considerations of expediency, whether any change, however unessential, should be made in a charter where parties are circumstanced like the present, until peace be restored to the society, and the disorders which now prevail cease to exist, unless the alteration be asked for by the society in a spirit of conciliation and brotherly love, or, at least, shall not be remonstrated against by a considerable portion of the members.

Without enlarging more in detail upon the several objections to the bill, I will only farther observe, that it appears to me to impair the charter, by changing the qualifications of voters, abridging the elective franchise, and exacting a compliance with conditions not contained in any of its provisions; that it is retrospective in its operations, so far as respects the first election proposed to be held in May next, and that it introduces a new principle by vesting the trustees with power to fill any vacancies in their board, without reference to the distinction between the two orders or classes of trustees as recognized in the charter.

It is always a source of very great regret to me, when any difference takes place between the executive and legislative branches of the government, in the discharge of their respective duties; but entertaining the opinion which I do of the inviolable character of char-

ters or private acts of incorporation, and believing that the present bill will change, in the several important points I have mentioned, the charter already granted by the Legislature to the Society of Roman Catholics, worshipping at St. Mary's Church, in Philadelphia, and increase, instead of allay, the unfortunate divisions which now subsist between the petitioners and remonstrants, I am unwilling to join in any legislative act, which may either violate the constitution, impair the rights of individuals, as granted them by the charter, or tend, in the smallest degree, to interfere with the liberty of worship and the rights of conscience, secured to the people of this country of every religious denomination, as well by the constitution of this state as by that of the United States.

As therefore I cannot approve of the bill, I have directed the Secretary of the Commonwealth to return it to the Senate, in which it originated, with these my objections.

JOSEPH HIESTER.

March 27, 1823.

Annual Message to the Assembly—1823.

IN ADDRESSING YOU, FELLOW CITIZENS, ON the present occasion, I derive peculiar satisfaction from the opportunity it affords, of congratulating you on the numerous blessings with which we continue to be so highly favoured by a beneficent providence. As citizens of the United States, we can with pleasure and feelings of national pride, contemplate the growing prosperity of the country under the administration of the general government. Fortunate in its exterior relations, enjoying peace and cultivating a friendly intercourse with the governments of other nations; we

view with satisfaction, the zeal with which it is also engaged, in the prosecution of measures, wisely adapted to cement the union of the various members composing the confederacy, to promote the harmony of the people in the different states, and to afford security against the apprehension of any future dangers from foreign aggressions. Neither as citizens of Pennsylvania, have we any just cause to be discontented with our situation; on the contrary, the returning health of our citizens in those districts lately affected with disease; the satisfaction of the people in the enjoyment of their rights, and their peaceable acquiescence in the administration of laws emanating from their own will; the success attending their enterprise in prosecuting various branches of useful industry; and the abundant productions of the soil, which for the last season, have exceeded the experience of any former period, are circumstances eminently calculated to distinguish the goodness of that Being from whose favor they flow, and to call on us for an expression of the profound gratitude we owe for his bounty.

Since the adjournment of the last legislature, the duties specially entrusted to the executive, have received due and punctual attention. The loans negotiated with the Bank of Pennsylvania in the year 1818, have been renewed as they severally became due, agreeably to the provisions of the act of 31st of March last, and, under the power vested in the governor by that act, two loans have been obtained from the Bank of Philadelphia, each for fifty thousand dollars, dated respectively on the 2d of June, and 10th of October, at an interest of five per cent. per annum, and reimbursable in one year, these being the terms prescribed in the law, and in accordance with the provisions of the charter of that institution.

The commissioners appointed by law for fixing a site for the seat of justice in Perry county, were notified

of a time and place of meeting, and a report signed by a majority of them is filed in the office of the Secretary of the Commonwealth, copies of which will be delivered with this communication. I have also directed you to be furnished with copies of such papers from the executive authority of other states, as appear to require any agency on the part of the legislature. The present state of the militia, the arsenals and the public arms, will be submitted in the annual report of the adjutant general; and the progress made in the construction of the Union Canal, in the erection of the penitentiaries at Philadelphia and Pittsburg, and the improvement in the navigation of the rivers, will be exhibited in the reports, which the laws require to be made, by the managers and commissioners of these several establishments.

The acts of those who have preceded us in the business of legislation, have left little remaining to complete our system of laws on general principles; but, the constant and rapid increase of population, the continual mutation to which all human affairs are subject, and the daily accession of knowledge gained by experience, render it necessary occasionally to review in detail, many of the acts that have been passed on general subjects, and conform their provisions to such alterations as a change of circumstances may have rendered necessary. Of the acts of this description, I would respectfully recommend to your attention, a revision of those relating to the general elections; to those providing for the support and maintenance of the poor; to the construction of artificial or turnpike roads; and to these I might add the several acts composing our present system of education; but that subject has been so often submitted to the legislature in executive communications, and so specially pressed on their attention by the constitution, that it will naturally present itself to your view, and I should consider it an unjustifiable trespass

on the time and patience of the enlightened assembly I now address, to ask their attention to any arguments in proof of the position, that to promote knowledge among the people, and inculcate virtue, the natural offspring of information, is the proper and most efficient course for giving stability and securing permanency to our republican system of government.

A revision of the laws respecting the general elections, appears to have become necessary for the purpose of ascertaining, whether by their present provisions, every citizen entitled to vote, is fully protected in the free exercise of his elective franchise. It has been represented as a subject of complaint, that some persons possessing all other requisite qualifications have been deprived of their votes, by their names being, either accidentally, or through design, omitted in the assessment of taxes. The duration of time necessary to constitute a residence to entitle a qualified elector to vote at any particular district, has been so much disputed and so differently decided, at different times and places, that a legislative provision to settle the question would have a happy influence, not only in the relief it would afford to the judge of elections, but also in preventing the excitement of angry passions, intemperate debate, and unnecessary delay. And it would certainly be an important amendment, as it would essentially contribute to the obtaining a fair expression of the public will, if a provision could be adopted, by which our fellow citizens might be secured against the deceptions of designing individuals, to which they are exposed at elections in the exercise of their invaluable privilege of voting.

As connected with this subject, I would submit also the propriety of so amending an act passed on the 24th of March, 1817, entitled "An act to prevent wagering and betting on elections," as to render its provisions more competent to the object contemplated by its pass-

age. Experience has proved that in its present form it is but a dead letter. The practice of betting, instead of diminishing, appears to have increased. The design of the original law being, as stated in its preamble, to prevent immorality and corruption, every effort so to amend as to render it efficacious in producing that important end, will receive the approbation of all, who consider the purity of elections as essential to the preservation of our liberties and republican institutions.

Most of the roads and bridges for which appropriations have been made by the state, are now reported to be completed, and the remainder expected to be finished in the course of the ensuing season. The large capital the state has invested in these establishments, requires the adoption of more efficient measures than are now provided by law, for keeping the roads in repair and securing to government that portion of interest to which it is entitled by the amount of its subscription. A provision to secure these objects appears to be rendered peculiarly necessary by the consideration, that some of the roads have been principally, if not exclusively, made by the money appropriated by the state.

Sympathy will naturally invite the attention of the legislature to that unfortunate class of people, who, through misfortune, being unable to provide for themselves, are compelled by necessity to depend for support on public bounty. The experience now had may, on a general revision of the different acts on this subject, lead to some useful amendments; and for the purpose of obtaining information as a foundation for farther improvement, I would respectfully suggest the propriety of its being made the duty of the directors of the alms-house in Philadelphia, and of the several poor houses in the state, annually to submit to the legislature, a statement exhibiting the number of paupers, and the average expense of their maintenance,

in their respective institutions. If a similar statement could be obtained from the township overseers in those counties where there are no poor houses, it would be an important addition to the stock of knowledge necessary to the formation of a more perfect system. To aid your present deliberations on this interesting subject, I have directed you to be furnished with copies of communications from the directors of several poor houses, in reply to sundry inquiries submitted to them for information in compliance with a request from a sister state.

The approaching election of president and vice president will take place on the first Wednesday of December, 1824, agreeably to the constitution of the United States, and the acts of congress; each state appointing, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the state may be entitled in congress. By an act of the legislature of Pennsylvania, passed on the second of February, 1802, directing the manner, times and places, of holding elections for electors of president and vice president of the United States, it is enacted, that every citizen qualified to vote for members of the General Assembly, shall vote for the whole number of electors; and by the third section of the act it is farther enacted, that the electors, who shall be chosen as aforesaid, shall meet at the seat of government of the state, at twelve o'clock, on the day which is, or may be directed by the congress of the United States, and then and there perform the duties enjoined on them by the constitution and laws of the U. States. Now it so happens that the day appointed by congress for the election of president and vice president, takes place at a time when the legislature of this state is in session; and, as it is essential to the union and harmony of the states, and the liberties of the people, that the election of these high officers

should be conducted in as pure and perfect a manner as possible, every vigilance and caution should be observed, not only to preserve its purity, but to avoid even the appearance of extrinsic influence, arising from executive or legislative interference, or from any other source. Governed by these impressions, I have thought it my duty to notice the subject at this time, and with the single view of suggesting the propriety of altering the existing law of this state, so far as respects the place of meeting of the electors, changing it from the seat of government to some other convenient place. No objection to the proposed alteration can arise, it is presumed, from a contingent necessity of filling up vacancies, should any occur. As the electors are a special body of representatives, chosen immediately by the people themselves, for the temporary and sole purpose of electing these officers, they will be fully competent to the task of performing the duty of filling vacancies, and be equally capable with the legislature, of representing and executing the views of their common constituents in relation to this matter.

Among the various topics of public importance recommended to the legislature in former communications submitted to their consideration, there are several not yet acted on, and to which I would again respectfully invite your attention, particularly an alteration of the militia system, so as to render it less inconvenient to individuals and less burdensome to the public, by dispensing with one of the days of training, and diminishing the expense, to which in its present form it subjects the treasury; the repeal or modification of the act imposing a duty on the retailers of foreign merchandise; the enforcing a more prompt and strict accountability of all officers and agents entrusted with the receipt and expenditure of public money; the annual examination of the monied concerns of the treasury; and the more early promulgation of the laws.

Avoiding unnecessary expenses, regulating expenditures by the amount of income; creating no debts beyond a reasonable prospect of means to ensure payment; graduating salaries and fees according to the nature of the services to be performed; and guarding against such excess as might tend to excite an inordinate thirst for office, are important duties devolving on legislatures in the administration of the fiscal concerns of governments, more especially of republics. The reduction of salaries that took place during the session of 1820 and 1821, in conformity with these maxims of political economy, has furnished practical evidence of its utility, in the annual saving of several thousand dollars to aid the treasury in meeting its engagements; and the beneficial effects of the act regulating fees are still more sensibly felt by the people, in the relief it has afforded from the oppressive costs to which they had been exposed by the law, as it stood prior to the adoption of that measure. It will rest with the legislature to decide, whether, in any of the cases of costs or salaries, the public interest would be promoted by a still farther retrenchment. So far as applications for office may be considered a safe criterion by which to judge of their emoluments, we have abundant evidence that the standard at which they are now fixed is not too low.

From the statement of the finances of the commonwealth for the present year furnished by the Auditor General, and his estimate of the probable receipts at the treasury, and demands on the same for ordinary purposes, during the ensuing year, copies of which are herewith transmitted, it appears that the receipts after paying the ordinary expenses of government and the interest on loans during the present financial year, leaves a surplus of upwards of fifty thousand dollars; and agreeably to his estimate for the ensuing year, ending on the 30th of November, 1824, the receipts will

be sufficient to discharge the demands for like objects and leave a surplus of more than seventy thousand dollars.

It is universally admitted, that public prosperity is essentially promoted by the improvement of roads and rivers. Whilst the application of national or state resources to these objects facilitates intercourse, and relieves the farmer and manufacturer from the burden of expensive transportation, it strengthens the ties of union, and binds communities together, by the last cement of mutual interest. Pennsylvania has not been remiss in her attention to this subject. With a liberality highly honorable, her legislature has, at different times, appropriated large sums of money in aid of turnpikes, bridges and other improvements. The whole sum thus appropriated from the year 1806, to the period when I entered upon the duties of the executive office, amounted to 2,423,287 dollars, of which there was paid during the same period 1,960,208 dollars, leaving a balance due on the 30th of November, 1820, of 463,079 dollars.

To meet the appropriations made by the legislature during the time mentioned, recourse was had to loans, of which there remained also unpaid on the thirtieth of November, 1820, the sum of 480,000 dollars, making the aggregate amount of debt at that period, 943,079 dollars.

In prosecuting the system of improvement patronised by the legislature, the stock of several of the companies proved inadequate to the expense of completing the roads which they had commenced, and some of them had contracted large debts which they were unable to pay. As therefore in their unfinished state, roads and improvements were comparatively useless, and justice required that the laborer who had faithfully fulfilled his part of the contract, should be compensated for his services, it was deemed expedient to

make additional appropriations; and for these and other improvements, considered by the legislature of sufficient importance to be provided for, 805,680 dollars were granted by an act passed on the 26th day of March, 1821, entitled "An act for the improvement of the state."

The ordinary revenue being insufficient to meet the demands arising from the system of improvements which the representatives of the people thus saw proper to authorise, it became necessary to devise additional means; and as the policy of disposing part of the bank or other stocks of the commonwealth was doubted, the executive was directed to borrow one million of dollars, at an interest not exceeding five per centum. These facts shew that the state of Pennsylvania has not been unmindful of public improvements: Whilst, however, as one of her citizens, I feel a becoming pride in the consciousness that she has not been tardy in the career of enterprise, it would be unjust to arrogate any merit to myself, or claim a share of the praise, which is due to others. The system of improvement, now nearly completed, commenced with my predecessors. The first act by which roads and bridges received the sanction of the state, and the aid of its funds, was passed on the 17th of March, 1806. That act was followed up by others prior to my time; and although appropriations were made by the act of 1821, for improving the navigation of various creeks and rivers as well as opening and improving roads other than turnpikes, yet nearly half the million loan was necessary to discharge debts contracted prior to the year 1820, leaving out of view the amount of loans obtained during the same period, which still remain unpaid.

Since the date of the law for the improvement of the state, passed in March, eighteen hundred and twenty-one, 256,289 dollars have been granted by different acts of the legislature, for the use of various literary and

benevolent institutions, and for the encouragement and promotion of sundry improvements, exclusive of 50,000 dollars granted by an act of the last session, for improving the navigation of the Susquehanna from the town of Columbia to the Maryland line, payable by instalments not exceeding 10,000 dollars in one year. And within the same period 228,709 dollars have been paid in discharge of these several grants, exclusive of 7,000 dollars which the commissioners for clearing the Susquehanna have received at different times, on account of their first instalment, agreeably to the terms of the act under which they hold their appointment, and by which the appropriation was made.

These objects of improvement being now nearly all completed, and the appropriations paid as far as they have become due, the ordinary revenue with a proper regard to economy, the credit of the state and its abundant resources and means, judiciously applied and prudently managed, with the aid of wise regulations and salutary laws, will, it is confidently expected, unless some unforeseen exigency occurs, be fully adequate to meet the public expenditures of the commonwealth, extinguish its existing debts within a reasonable period of time, and supercede the necessity of resorting to taxation, or imposing any new or additional burdens on the people.

And now, gentlemen, you will permit me in the conclusion, to bid you a last and affectionate farewell. In retiring from the station I at present occupy, I carry with me the consciousness of having discharged the various duties committed to my trust, with true devotion to the interest of my country, and according to the best of the abilities with which I have been endowed by Providence. Anxious for the maintenance of harmony and friendly intercourse with the other branches of government, it was a matter of serious regret to me that my judgment led to conclusions differing from those

entertained by the legislature, relative to certain measures, on which I was called to exercise the constitutional power, vested in the executive, of approving or returning with objections. Impressed as I am, with a sense of human fallibility, I will not pretend to say that my opinions on these occasions, may not have been in error, but I can truly say they were the result of deliberate reflection, formed agreeably to what I conceived to be the true construction of the constitution, and the best interests of our constituents.

Having been for nearly fifty years occasionally engaged in variously highly responsible situations in the service of my country, having witnessed its progress from colonial vassalage to independence and sovereignty, it is with the most sincere pleasure, that on quitting the theatre of public action, I can congratulate you, and our fellow-citizens at large, on the propitious situation in which it is now placed; and I avail myself of the occasion it affords, of repeating my fervent prayers to the Almighty Ruler of the Universe, under whose superintending influence it has attained to its present eminence, that he may continue to cherish it with his fostering care, preserving its citizens in the free enjoyment of their just rights and republican institutions, until all earthly government shall be terminated by the consummation of time.

JOSEPH HIESTER.

December 4, 1823.

DOCUMENTS.

To Joseph Hiester, Esq., Governor of the Commonwealth of Pennsylvania:

Sir—In compliance with an act of the legislature of this state, passed the 31st day of March, 1823, entitled "An act supplementary to an act, entitled 'A supplement to an act, entitled 'An act erecting a part of Cumberland county, into a separate county to be called Perry,''" and in accordance with our appointment, we, the undersigned commissioners, viz: Abner

Laycock, Cromwell Pearce, Henry Sheets and Phineas Jenks, having met (for the purpose of carrying the requisitions of the said act into effect), at the house of Meredeth Darlenton, in Juniata township, on the 28th day of May, and after taking the requisite oaths proceeded to view the several sites contemplated by the people, as well as those fixed upon by former commissioners.

And from the view we have taken of the territorial bounds of said county, the relative situation of its inhabitants, convenience of roads, waters, &c., we are of opinion that neither of the sites fixed upon by former commissioners are calculated to combine the interests, or render that satisfaction and accommodation to the citizens of said county, contemplated by the law under which we act.

Therefore we have, after due deliberation, unanimously agreed, and have located a site for the seat of justice of Perry county, on the farm of George Barnet, in Juniata township, described and bounded as follows, viz: Beginning at a post in the field west of the barn, south 68 degrees west 9 perches and two-tenths from a wild cherry tree, thence from said post south 64 degrees west 34 2 perches to a post, thence north 26 degrees west 41 perches to a post, thence north 64 degrees east 34-2 perches to a post, thence south 26 degrees east 41 perches to the place of beginning; which lot or parcel of ground as above described, we do hereby adjudge and confirm as far as our power extends, as laid down by said act, to be the proper site to erect the court house, prison and county offices of said county of Perry upon, and as such make report, and return the same to the Governor as we are by law directed.

Given under our hands this second day of June, An. Dom. 1823.

A. LACOCK.
CROMWELL PEARCE,
HENRY SHEETS.
PH'S. JENKS.

State of New York.

In Assembly, April 16, 1823.

Resolved (if the honorable Senate concur herein), That the legislature of the state of New York, do not concur in the amendment to the constitution of the United States, proposed by the commonwealth of Pennsylvania, in the words following, to wit: "Congress shall make no laws to erect or incorporate

any bank or other monied institution, except within the district of Columbia; and every bank or other monied institution which shall be established by the authority of congress, shall, together with its branches and offices of discount and deposit, be confined to the district of Columbia."

Resolved, That his excellency the Governor, be requested to transmit a copy of the foregoing resolution to the executives of the several states of the Union, with a request that the same be communicated to the legislatures thereof; also, to the president of the United States, with a like request that the same be communicated to congress, that they may be respectively advised thereof.

Albany, 31st May, 1823.

Sir—I have the honor to transmit the foregoing copy of a concurrent resolution of the legislature of the state of New York, which you will be pleased to communicate to the legislature of your state.

Very respectfully, I am,

Your excellency's ob't servt.,

JOSEPH C. YATES.

His Excellency Governor Hiester.

The committee to whom was referred the report and resolutions of the states of Maryland, New Hampshire, North Carolina, Kentucky and Massachusetts, on the subject of the claim originated by the state of Maryland to grants of lands from the United States for the purposes of education, beg leave to

Report;

That the object of the state of Maryland, as gathered by your committee, is to claim from the United States, in behalf of the old thirteen states, and the states of Maine, Vermont and Kentucky, to the exclusion of the new states which have been formed in the south and west, a grant of public lands for the use of schools, corresponding in a just proportion with the lands which have been reserved from sale by congress, and granted to the new states for the purposes of education. This claim is brought forward with much show of reason and argument; and professing, as it does, to have the advancement of learning and an enlightened policy for its object, is well calculated to enlist in its favor the aid of those states which have so many motives, as well of interest as of feeling, to fall into the measure; and so few to scrutinize or doubt.

Yet, however plausible the reasoning may seem, which is brought in support of this claim, your committee cannot but wonder that so many of the states should have seen no cause to suspect its merits in the very bold appeal which the report of the legislature of Maryland makes to the power of the states interested.

Surely it could not be thought, that if the claim were just, the new states (with all their partialities in favor of the old), would be unwilling to concede to it?

When have they refused to do right, or where upon them is the stain of injustice? But is it not rather to be inferred, that the claim, to support which this power is invoked, has no foundation in justice? And that, therefore, the political strength of the old states is necessary to support it. If so (and your committee can view it in no other light), the array of 169 to 17 is fearful odds to contend with; but it may be a matter of some consolation, that there are not wanting examples of the right prevailing against still greater.

But your committee trust that the occasion never will arrive, when congress legislating upon a claim "founded in strict right, and not asked for as a matter of favor," will suffer itself to be diverted from a proper scrutiny into its merits, by being told it possesses, in its own members, who are interested in carrying it through, a sufficient majority to bear down all opposition and stifle inquiry.

Such a state of things would be too deplorable not to awaken alarm, and greatly impair our faith in our free institutions. But your committee proceed to inquire, wherein the strict right of the claim, set up by the state of Maryland consists? And in the outset, will freely admit, that the public lands were acquired by the joint efforts of all the states, and that they are public property belonging to the United States.

Great pains seem to have been taken in the Maryland report to establish this position; and various extracts from the resolutions and acts of the old states, with regard to the vacant lands, and the cession of them to congress, are quoted to shew that they were to be considered as a common fund, applicable only to the common purposes of all the states, or, in other words, to the United States.

It is then said, that they could not be granted or disposed of for state purposes, but that in the grants which have been made to the new states, of one section in every township for the use of schools, and of an occasional township for seminaries of a higher grade, they have been disposed of for state, and

not for national purposes, contrary to the tenure by which they were holden, and to the manifest prejudice of the states in whose favor no such grants have been made. That to do impartial justice to such states, congress is bound to grant to each, out of lands lying within the new states, where vacant public lands yet remain unsold, a quantity, corresponding in a just proportion, to those granted to the new states for the use of schools. And calculations are then made to shew the quantity which each state would acquire, according to that "just proportion" in which the superficial extent of the states, and not the population, is made the basis.

It will be perceived that this proposition of the state of Maryland rests altogether upon the supposition that the grants of our school lands have been made for state and not for national purposes. If then, there be a mistake here, the whole superstructure must fall. A part of the act of cession from Virginia to the United States of her vacant lands, is relied upon to shew that congress cannot so dispose of them. What are the words cited? "That they shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become members of the confederation or federal alliance of the said states, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other," &c. It will be recollected that the act of cession from Virginia, from which the above is an extract, was made before the formation of the federal constitution, when the "general charge and expenditure" were borne by the states according to their respective quotas of men and money as assessed by the old congress, or committee of states; and that, instead of the benefit of these lands inuring to the several states of the confederation, according to their usual respective proportions in the general charge and expenditure, we must now understand them to belong to the United States, as a body; for it is the United States which now provides for the general charge and expenditure, by ways and means operating directly upon the people; and the states, as such, have no concern therewith.

Admitting then, that the power of congress over these lands, extends no further than to dispose of them for the "use and benefit" of the United States—does it follow that congress cannot take such measures for the more speedy realising of this "fund," by annexing to every township sold, a portion of that township for the education of the children of the purchasers,

and holding out such other inducements to emigration and purchase, as it may deem expedient? Surely not, any more than if a like grant were made for common of pasture or public squares. And there is nothing more usual, than even for individuals, who wish to sell or lease their possessions, to offer like inducements to effect their object. On the acquisition, by the United States, of these lands, it became a duty to have them surveyed and brought into market, for it was obvious they would form a considerable source of revenue, if rightly managed. This was accordingly done; and the reservations for school purposes were made and held out as an encouragement to emigration and purchase, not only to the few who lived upon them or in their immediate neighborhood, but to the citizen of Maryland, and every other state, and even to foreigners.

Nothing short of this course of policy could have had the desired effect; for it is hardly to be supposed that a man of a growing family, how poor soever he might be, would leave his residence and his friends of long acquaintance in any of the Atlantic states, where the means of education were so cheap and so near at hand, to cross the mountains and settle in a wilderness, where, without the munificence of congress, he and his children might possibly live and die without those advantages.

The sale of the public lands was, therefore, the principal motive of these grants; and education only a secondary consideration, conducing in the opinion of congress, to effect the main purpose. Your committee might go further, and, admitting education to have been the principal motive, ask, if education is not a national object, which would justify the measure so much complained of? The answer would, doubtless be in the affirmative—but with this qualification, that the benefit of it should be alike extended to all the states. To all the states? And are not all the states participators of it? Their citizens are certainly free to avail themselves of any advantages which a purchase and settlement of the public lands may give them, and if a great many have been, and others yet propose to be, sharers in these advantages, the lawful intention of the government has been consummated, and nothing prejudicial to any of the old states has resulted therefrom. Having shewn, your committee think, conclusively, that these appropriations of land for the use of schools, have been for strictly national, and not for state purposes, they might here rest, without presenting any other view of the subject—but

there is one other light in which this subject may be shewn, not less clear in favor of the position taken by your committee, than the preceding; and this is, that a full and fair equivalent has been paid for these school appropriations by the states in which they lie. Your committee will briefly notice this part of the argument in relation only to the state of Illinois. By the act of congress, providing for the admission of Illinois into the Union, and for other purposes, passed on the 18th of April, 1818, four distinct propositions were offered for our free acceptance or rejection: one in relation to the 16th section of each township; another in relation to salt springs; the third, the five per cent. upon the sale of lands lying within the state, and to be sold after January, 1819, for roads leading to the state, and for the encouragement of learning; and the fourth, the two townships for the use of a seminary of learning. These several propositions were offered to be confirmed by congress to the state of Illinois, on condition only, that said state should provide by an irrevocable ordinance, that "every and each tract of land sold by the United States from and after the 1st day of January, 1819, shall remain exempt from any tax laid by order or under the authority of the state, whether for state, county, township, or any other purpose whatever, for the term of five years from and after the day of sale. And further, that the bounty lands granted, or hereafter to be granted, for military services during the late war, shall, while they continue to be held by the patentees or their heirs, remain exempt as aforesaid, from all taxes, for the term of three years from and after the date of their patents, respectively; and that all the lands belonging to the citizens of the United States residing without the said state, shall never be taxed higher than lands belonging to persons residing therein."

The value of this equivalent given by the state of Illinois for her school and seminary lands, it will be found by calculation, to bear no proportion whatever to those grants, for as yet they have been totally unproductive to the state for the purposes intended—that is to say, the encouragement of learning; while, on the other hand, the rights given up by the ordinance of the convention, accepting the propositions of congress, on the conditions above mentioned, have debarred this state of a revenue for the years 1819, 1820, 1821 and 1822, of more than one hundred and fifty thousand dollars. And when your committee come to consider the immense tracts of fertile lands lying within this state, which yet remain to be sold, and which are to be

exempt from taxation, although owned by non-residents, for the term of five years from the day of sale, they are disposed to believe, that through too great a degree of confidence reposed by us in the general government, we have been induced to give a most exorbitant price for very inconsiderable advantages—advantages to which we had before fully entitled ourselves by our emigration hither, and purchases from the United States. The hardship is the more obvious in the exemption of the lands of non-residents; for in addition to the loss of revenue which the state sustains thereby, the taxes fall with the more weight upon such as became citizens before the 1st of January, 1819, and moreover a great obstacle is thrown in the way of the speedy settlement of the country. Another consideration in relation to the Maryland report, presents itself upon the minds of your committee—which is, the danger to be apprehended to the harmony and good understanding of the states, by giving the “excluded states,” as they are termed by the Legislature of Maryland, a jurisdiction—perhaps an exclusive one—within the limits of the “favored states,”—which, though less powerful in point of representation in congress as 17 to 169 may yet not quite be disposed to tolerate this imperium in imperio, even if their physical strength at home should bear the same disproportion. Your committee would not be considered as speaking of what would, but only of what might happen to jeopardize the peace of the Union, were a measure of this kind adopted. They repeat again, that they have full reliance in the justice and integrity of congress, to thwart, in its inception, any attempt to derogate from the sovereignty or just rights of the new states, however fairly acquired. Before closing the report, your committee would observe, that they had not the means within their reach, of making any very exact calculation of the value of the right given up to congress to tax the bounty lands for three years from the date of their respective patents, and for other lands for five years from the date of the purchase.

But a short reflection on the subject, it is thought will convince any candid mind that \$150,000, for the time which has elapsed since our admission into the Union, is far from exceeding a fair estimate.

They will also observe that among the documents committed to them, there are reports of the legislatures of Ohio and Massachusetts, on the subject of the propositions of the state of Maryland, in which some of the views taken by your committee are strongly enforced, and others, upon which they have not

touched, very learnedly displayed. They have the more satisfaction in noticing these reports, as the one comes from a large, very populous, and respectable state, the first formed out of the northwestern territory, and which, therefore, might very naturally be expected to take the lead in resisting any unjust attempt to affect our rights; and the other from one of the states proposed to be profited by the measure which repels, with becoming firmness, the slightest attempt to enlist her in an unjust cause.

Your committee, taking the view of the subject they have, beg leave to recommend the adoption of the following resolutions:

1. Resolved, by the General Assembly of the State of Illinois, That the appropriations made by congress to certain states in the south and west, of lands lying within said states, for the purposes of education, have been made for national and not for state purposes.

2. Resolved, That the public lands do not form a fund out of which appropriations may be made for the use of schools to any state or states, other than such wherein said lands lie and are offered for sale, except upon a good and valuable consideration given therefor.

3. Resolved, That it would be derogatory to state sovereignty, and tend to disturb the harmony and peace of the Union, to give one state jurisdiction over, or a right of property to, lands lying within another state, without the consent of the state or states, within which the same might lie.

4. Resolved, That our Senators and Representatives in congress be requested to use their endeavors to oppose any measures or propositions of any of the states, conflicting with the foregoing resolutions.

5. Resolved, That the executive of this state be requested to transmit to the Legislatures of the different states, and our Representatives in congress a copy of the foregoing report and resolutions.

Executive Department.

Illinois, August 10, 1823.

Sir—I transmit the above report and resolutions in compliance with the request therein contained, and am

Very respectfully,

EDWARD COLES.

The Governor of Pennsylvania.

Dauphin County Poor House.

August 14, 1823.

Dear Sir—In answer to yours of the 12th ult. we regret that we have it not in our power to give an explicit and satisfactory answer to the several enquiries as we would wish, but

1st. In answer to the first, we presume that a copy of our general poor laws accompanied with the act of assembly, authorising the erection of a house for the support and employment of the poor in this, or any other county in the state, for they are all somewhat similar, would be the best information in the power of government to give.

2d. To the second enquiry, we confess ourselves unable to speak with certainty; as we are yet but in the infancy of experiment, but we believe the truth to be nearly as follows: Previous to the erection of poor houses, travelling mendicants were more numerous than now, and we are of opinion the situation of the poor are much more comfortable under their operation than otherwise. Yet the love that almost every one feels to making out his own bill of fare, though procured by begging it from door to door, is often made choice of, sooner than to be fed with wholesome and substantial food, when it is prepared under the direction of another, and where they are subject to the observance of rules which are indispensable in every institution of the kind, the yearly increase of paupers might justify a belief, that the poor find their comforts increased in the practical operation of almshouses, but as yet, we have not sufficient data by which to test the fact, whether the ratio of increase in our paupers exceeds that of the population.

3d. In answer to the third quere, we would briefly state, that by the census of 1820, the number of souls in Dauphin county is stated at 21,653; the average number of paupers that year was 84, which is in the proportion of one pauper for every 258 souls, nearly.

4th. It is not easy to say with accuracy, the average expense of each pauper, as the produce of the farm belonging to the institution, is, for the most part consumed in its support, of which no regular account is carried into the books, but independent of what is derived from this source, the average expense of supporting, clothing, nursing, medicines and medical attendance of each pauper may safely be stated at fifty dollars per year, or somewhat short of it; in which is included all salaries incident to the conducting of the institution, all funeral expenses, delivering paupers, &c., &c.

5th. Such of the female paupers as can assist in the interior employments of the house, are thus engaged under the superintendence and direction of the matron; and the male paupers in such work as they are competent to on the farm, in the garden, or about the house and barn. It is true their work is but of minor consequence, but still it lessens the expense and conduces to the health of the paupers; and could our poor houses be made as well the schools of reform, as asylums for the indigent, it would be a very pleasing circumstance; but it is a lamentable fact, that perhaps two-thirds of the paupers in most of the poor houses in the state, have become such by dissipation, and only cease to remain its votaries, from the want of means and physical abilities to indulge in it, and not from any change of disposition during their pauperage. The instances of real reform are very scarce.

6th. To this quere we have no other information to give, than what will be found in the foregoing remarks.

We have the honor to be,

With much respect,

Your most obedient and very humble serv'ts.,

SAMUEL WILLSON,

SAMUEL POOL,

Directors.

Andrew Gregg, Esq.

York, August 9, 1823.

Sir—The board of directors of the poor house institution of this county, have directed me to answer to the following queries contained in the communication from New York, to his excellency the Governor.

2d. Query. That the proviso contained in the first section of the supplement to the poor house law of Bucks county, and also the proviso of the third section of the same supplement, should be made general. Passed 2d April, 1822.

That directors ought to be empowered to administer oaths, for the purpose of ascertaining the effects of indigent persons who die in the county. Frequently bills are brought in for funeral expenses in such cases, and it is supposed that impositions are practised.

3d. Query. The population of the county in 1820 was 38,759 souls, of which throughout the year there are 100 paupers; in the winter season that number is considerably increased, and in the summer it is diminished, so that there are occasionally but 80, The board require all the paupers to be maintained in the house.

4th. Query. York county has a farm of limestone land containing 134 acres, on which the buildings are erected, and another tract of woodland, 159 acres, off which nothing is obtained but fuel.

The whole real property and buildings cost,	\$30,000
The interest of which is,	1,800
Money annually drawn from the county treasury upon average heretofore,	2,000
	<hr/>
	\$3,800

Expense of each pauper, \$38.

5th. Query. The effect of establishing work houses and houses of industry is a great improvement on the township system—the expenses are much reduced and the paupers more comfortably situated; formerly they were lodged with the poorest classes of people who kept them for profit, and in many cases were illy treated and neglected, at an expense of about \$100 each, and the whole compensation of the overseers of the poor in the county made no small item of expense. The male paupers are principally employed on the farm, females in spinning and the work of the house. Mechanics, such as weavers, tailors and shoemakers are put to their respective callings; the clothes and shoes are all made in the house; there are several paupers in this house, who, it is supposed, could not be lodged out of the house for an expense of less than from 3 to 5 dollars per week.

By order of the board,

D. HECKERT, Cl'k.

Andrew Gregg, Esq., Secretary of the Commonwealth.

Franklin County P. H., 11th August, 1828.

Sir—Yours we received, and was accompanied by a copy of a communication from the government of the state of New York, requesting an answer to sundry enquiries stated therein. As for the first and second enquiries I leave you to refer to the documents; as for the remaining enquiries we shall give you as satisfactory information as we possibly can. The number of paupers in this institution at present are 60, the average number of last year were 64, the average expense of supporting each pauper last year was \$37.01, exclusive of the farm produce; there is 160 acres of land. The effect of establishing such institutions, we give you such information as we have derived from experience in our official situation. Such institutions we consider highly necessary for the blind and infirm that

has met with misfortunes, and has not wherewith to support themselves; at the present time we have a number here that if there was no institution they would not be a charge, they calculate on being kept here a considerable time before they acquire an order of relief; dissipation and other bad habits is the cause; this we consider is some of the effects of establishing such institutions, such institutions we consider are abused in that way. Such is the plan of employing them, their different employments are weaving, shoemaking, knitting, spinning, sewing, farming and gardening, the plan of supporting is, their diet for breakfast is to consist of rye coffee, sweetened with molasses, herring and wheat bread; for dinner, meat and a variety of sauce; for supper, milk; generally, from the middle of November until the middle of January, they are allowed but two meals each day; we allow the steward to give them a sufficiency, he is not confined to any certain weight; we generally use from 14 to 15,000 lbs. of beef and pork, and two barrels of flour per week.

With great respect,

We have the honor to be,

Your excellency's most obedient,

And very humble servants,

JACOB STOUFFER,

WILLIAM M'KISSEN,

JOHN SNYDER,

Directors.

His Excellency Joseph Hiester, Governor of the Commonwealth of Pennsylvania.

House of Employment of Delaware County.

September 1st, 1823.

Sir—Your letter of the 12th of July last, enclosing the copy of a communication from the government of the state of New York, requesting an answer to sundry enquiries stated therein, was duly received on the fourth of August, and we hasten to give you such information as the nature of the case will admit.

In answer to the third and fourth queries which appear to be the first that come particularly under our notice, we answer, that the average number of paupers supported in and assisted out of the house for the year 1822 was 156, which is the greatest number ever maintained in the county in any one year, and the average expense of supporting each, for that year was \$28.84½. To the 5th query we answer, the establishment of

a house of employment in this county has increased the number, or from some other cause, there are more than when maintained in the different townships; but we have no hesitation in saying, that the effect has been such as to make their situation more comfortable, their morals and health better preserved. As to the plan of employing, supporting, &c., such of the males as are able are employed at shoemaking, weaving, making baskets, working in the garden, and on the farm; the females are employed at sewing, knitting, spinning, tending on the sick, together with the work in the house generally. We commonly manufacture and make up a sufficiency of wearing apparel to supply the family. The paupers are maintained by a county tax, together with the proceeds of the farm, which, when added together, makes the average expense of supporting each, the same as mentioned in the answer to the third and fourth questions.

From yours respectfully,

JESSE DARLINGTON,

JOSEPH JAMES,

JAMES CRAIG,

Directors.

To Andrew Gregg, Esq., Secretary of the Commonwealth.

Poor House, Chester County.

September 23, 1823.

To Andrew Gregg, Esq., Secretary of the Commonwealth of Pennsylvania:

Sir—Your letter of the 12th of July, was received the 6th of August, but not being together to know or consider the contents thereof, until the 26th, we then concluded to prepare an answer by our present meeting, which we hope will not be too late for the intended purpose, nor considered as any neglect on our part, our meetings being only once a month (the 4th Tuesday), and live very distant from each other.

The first enquiry we pass over.

2d. To the second we answer: By establishing poor houses with proper regulations, the paupers receive a more comfortable subsistence and maintenance, with less expense than when kept in the townships as heretofore before our house was erected.

3d, 4th and 5th. The number of paupers when kept in the townships before our poor house was erected, as near as could

be obtained, was 119, and the expense thereof 2,500 pounds, equal to \$6,666.66 cents, or \$56 each, annually, or a little over a dollar a week each. Since we have a poor house our expense is less, and the accommodations better in all things.

To take a retrospective view for five years back of our numbers and expense will shew the difference.

In the year 1818 our average number of paupers of all ages, sexes and colours was 186, the whole monies expended \$7,875.24 cents, or \$42.4 cents each, annually, equal to 81 cents weekly for each.

In 1819, our average number 219, the whole monies expended \$7,390.3 cents, or \$33.74 cents, each annually, equal to 64 cents each, weekly.

In 1820, the average number 319, whole monies expended, \$7,984.78 cents, or \$25 each annually, equal to 48 cents each, weekly.

In 1821, the average number 292, whole monies expended \$6,003.63 cents, or \$23.98 cents annually, equal to 46 cents each, weekly.

In 1822, the average number 306, whole monies expended, \$7,074.6 cents, or \$23.11 cents annually, equal to 42 cents each, weekly.

Our number this year (1823) is less than 200 in the house and over 100 out, but neither the average number nor expense can be known, until the year expires.

We do not know what to attribute the variation of the expense to, unless it is the price of produce purchased, the produce of the farm varying, and the reduced allowance to out door paupers.

We have a good farm of 300 acres, and beside the produce of the farm, purchase much; we raise all the grain we can, say from three to five hundred bushels of wheat and rye, from eight to ten hundred bushels of corn, some barley and oats, from four to eight hundred bushels of potatoes, &c., and beside keep a large stock; feed from 20 to 30 beeves, from four to six hundred weight each, from 50 to 60 swine, that average more than 200 lbs. each, keep from 30 to 50 sheep, raise from 12 to 1,800 lbs. of flax; of all which we sell none; and beside we raise and consume much vegetables.

We manufacture our wool and flax into apparel and bedding, such as cloths, flannels, linsey, linen, &c., such as our idle vagrant and dissipated people can be brought to or instructed how to make. The surplus wanted we purchase.

The males we employ on the farm and in the garden, such as can be brought to it; but some infirmity mostly attending

those that know how to do business, and the profound ignorance of others makes it very troublesome to get much valuable labour from them. Those who come to us able to work, come to be fed and clothed, and to pass through the world in the most idle and easy way, and generally speaking, they are very debauched, and much depraved in their morals.

We allow them three meals a day each: for breakfast coffee of rye or barley, or tea, with milk in it, sweetened with molasses or sugar, and rye bread, and a small relish with their bread, of meat, cheese, butter, or fish. For dinner, meat and bread with potatoes, cabbage, turnips, beets, beans or other vegetables; or soup with bread and vegetables, when the meat is fresh. For supper, mush and beer or molasses, the women tea or mush, and beer or molasses, as suits; children are supplied with milk and bread, or mush, as it suits.

Males and females should be completely separated (except man and wife), no connection or communication should be suffered. But our fortune has been otherwise. The first directors had no idea of the necessity of such separation, until after, and long since the buildings were erected, but now the inconvenience is felt; we find matches made, the young women come to us debauched, and are willing to match with any one, and we are now raising several families paupers from their birth. Some of those are old men, who have married young women, some decrepid young men, not able to support themselves, have got married and are increasing our burthens. But we find there are justices of the peace that will marry such persons, which we think ought to have a check somewhere and not be suffered to extend.

We find much inconvenience from what we think a defect in our incorporating act, there is no authority to dismiss paupers sent to us, who are able to support themselves, neither to employ them elsewhere toward their support, when we have no employ for them. This gives to them an assurance that we are bound to keep them under every circumstance, if they can only once obtain an order of relief from two justices of the peace (which any one may obtain by asking), and then go and come when they please. There ought to be some better regulations and further controul by the board supported by law, and not left to the will of the pauper.

No interference of a justice of the peace is actually necessary to enable a sick or lame person to obtain relief, the person with whom the pauper falls sick, without reward, should inform the overseers, where there is no poor house, and they, as now,

should provide for them, or by an order for the purpose, remove them to their place of residence, but in the counties where there is poor houses, forthwith, take and deliver them to the steward of such house, or at the option of the party call on the constable of the township, who should be enjoined forthwith, to remove the pauper to the poor house, for which service the constable or person removing the pauper, should be allowed a mileage, fixed by law, for his services: and that without all the formality and trouble of riding to a justice, and obtaining an order of relief and then to a second justice to obtain his signature, and then to a constable to get him to execute the order and to remove the pauper to the poor house. It is too much formality and unnecessary trouble and expense to obtain a little relief for a poor person falling sick, or becoming lame or disabled, but if a justice of the peace is necessary, and an order to the constable, one justice ought to be sufficient to grant either an order of relief or removal.

By our incorporating act our accounts are settled once a year by auditors elected by the people, and act under oath or affirmation, who report their settlement thereof to the court.

Our incorporating act enables the court to create another set of officers called visitors, to whom we must "submit for their inspection and free examination all our books, accounts, affairs and economy, together with the rents, interests and monies payable and receivable by the corporation, and also an account of all sales, purchases, donations, devises and bequests as shall have been made by or to us or either of us."

The above clause gives power to parole visitors without any oath or affirmation to examine all our accounts (already settled by sworn or affirmed officers), our vouchers and papers; this in part is like accounting twice for the same thing. We conceive our accounts and papers ought not to undergo a second examination. The power of visitors ought to be limited, their province should be to examine into all gifts, donations and devises made to the corporation, and report whether our incomes exceed the lawful allowance of \$5,000, and to the conduct and economy of the board in the government of the house and accommodation of the paupers, and their treatment, and report thereon to the court; but no power to demand of the directors any extracts from their records, we allow them full liberty to see all the books and accounts if they choose, and take any memorandum they choose to preserve in memory, any remarks on our proceedings they think proper. And it ought to be enjoined on the court as an official duty, to ap-

point at the sessions next after the annual settlement of the corporation accounts, three suitable persons of known integrity and ability, to visit the poor house on a certain day and hour to be fixed by the court, of which appointment and day the clerk by letter should immediately give them notice, and one of the board also, who shall call together his companions to meet at the poor house on said day and hour, where they shall all be accommodated but receive no pay.

One act of assembly only should be made for the whole state, and the regulations therein general for all poor houses established, or that might be hereafter established in the state, no local law should be made for any county.

The pay for keeping paupers belonging to another county weekly, including all expenses in the house and mileage for removing them to their residence, if one person, if more than one, graduate the pay per mile, so as to meet a reasonable compensation. Much imposition has been practised in this case, as well as taking them to the poor house within the county, and requires some regulation by law.

Our detailed statement may be deemed tedious and uninteresting, but so far we suppose we have not gone astray, as the information of trifling particulars, may enlarge the minds of legislators, and bring them to an understanding of difficulties, remediable by law, and worthy consideration in a general system, or even in all local laws for that purpose.

Every expenditure of every kind is included, with the salaries of the directors and their steward and matron, physician, clerk, and farm and household wages, in the estimate above stated.

Pensioners should be excluded from a support in poor houses, unless they give up their pensions toward their support, or such portion thereof as would pay an equivalent for their living there; we keep several, one of them, an old man, married to a young woman, and are raising a family in the poor house.

With greatest respect,

We remain, your's, &c.,

DAVID HAYES,

JOHN HOOPES, jr.

Directors of the Poor of the county of Chester.

Attest,

Joshua Weaver,

Clerk to the Directors.

P. S. The other director, John James, did not attend this meeting.

Philadelphia, October 30, 1823.

Sir—We have the honor to comply so far as we are able, with the requisitions in your letter of the 12th July, enclosing a letter from the secretary of state of New York, dated 24th April last.

The first is for a copy, abstract, or digest of the laws for the relief and settlement of the poor; we transmit herewith two copies of the laws for the relief and employment of the poor in this corporation. These laws had been out of print for some time. The board of guardians ordered a new edition to be printed with an addition of such laws relating to the poor as had been enacted since the former edition. This has occasioned some delay in attending to your letter.

The second is, the practical operation and effect of those laws and their general success.

We are at a loss what answer to give this. If it means, how are the poor provided for? We reply that a comfortable provision is made in the alms-house for the sick, the lunatic, and the infirm, and that those whom it is thought proper to furnish with monies toward their support in their own houses, receive such sums weekly, as with the efforts they may make by their own industry, may afford a bare subsistence for themselves and children. While on the other hand, paupers who have no legal settlement here or elsewhere, supposing that a very ample provision is made here, repair in great numbers to this city.

The third—the number of paupers as far as may be obtained in any given number of souls.

The number in the alms-house during the year ending the 4th Monday in May last, was 1,204, the number of regular outdoor paupers 1,222—those who received occasional relief averaged 330—in the children's asylum 173—amounting in the whole to 2,929, which as the census for our corporation amounted to 111,724, is a little less than 1 in 38; to these may be added 161 illegitimate children.

Fourthly—the average expense of supporting each pauper by the year.

The average weekly expense of supporting the paupers in the alms-house during the period before mentioned, was 76½ cents each, for the support of those out of doors 63 cents each, those in the children's asylum 70 cents each; 2,502 dollars were paid for bastard children more than received from the putative fathers.

Fifthly—the effect of establishing work houses, houses of in-

dustry, alms-houses, and the plan of employing and supporting the poor generally.

The opinions of the effect of establishing the alms house in Philadelphia are so various, that we cannot venture to hazard a conjecture on that point.

The paupers in the alms-house are employed in carding, spinning, picking oakum, &c. The clothing for the paupers is made up there, some of the articles of which it is composed are manufactured there, out of the raw materials.

The paupers in the alms-house have for breakfast four times a week, rye coffee, and three times a week chocolate; for dinner meat twice a week, bean or pea soup twice a week, and mush three times a week. For supper bohea tea and mush, with a necessary quantity of good rye bread—the sick and infirm receive such articles of food as the physicians direct.

Sixthly—such other information as may best comport with the views and objects of the legislature in instituting these enquiries.

Not knowing what the precise objects are, we must be excused for not replying to this article. With respect to furnishing information in order to establish a new system we have no materials to transmit on that head; the present one we know has been reprobated, but to form one that is not liable to many and serious objections is not in our power.

We have the honor to be,

Sir, with the greatest respect,

Your obedient servant,

N. JONES,

CHAS. W. SCHREINER,

Committee.

Andrew Gregg, Esq., Secretary of State.

Auditor General's Office.

2d December, 1823.

Sir—Agreeably to your excellency's letter of the 26th ult., requesting "to be furnished with a statement of the proceeds of the current revenue for the present year as far as they can be ascertained, and an estimate of the probable proceeds for the ensuing year, with the amount of the expenditures of the present and the ordinary expenses of the ensuing year," I have prepared the subjoined statement of the receipts and expenditures for the present year, which will be found in abstract No. 1, and estimates of the probable receipts at the treasury, and of the probable demands upon the same, for the support of

government and other ordinary expenses, during the ensuing year, as per abstract No. 2.

It may be proper to observe, that in addition to the amount of auction duties, contained in the present abstract, William Lippincott, auctioneer, paid into the Bank of Pennsylvania, on the 28th November, for the quarter ending 31st October last, \$3,749.17, and that John Harrison, recorder of deeds for the city and county of Philadelphia, likewise paid into the same bank on account of office fees, on the 29th of same month, the sum of \$1,348.24; but the tellers certificates of deposit did not come to hand, before the closing of the State Treasurer's monthly report on Saturday last. These sums and the sum of \$250 paid into the treasury on the 1st inst. by the managers of the Susquehanna and York borough turnpike road company for dividend declared in November last, belong more properly to this year's account, and would, if introduced now, increase the aggregate of receipts for the present year \$5,347.41. They will now of course appear in the account of receipts for the ensuing year, for the reasons stated.

Your excellency will no doubt remark the increased expenditure for militia purposes during the present year; this arises in a great measure from the repairing of public arms, and the supply of colors, as well as drums and other musical instruments, furnished the militia and volunteers. It is probable, however, that this item will be considerably diminished in the next year's expenditure.

To the Assembly transmitting Resolutions of the Tennessee Legislature concerning Methods of Nominating Presidential Candidates, and Sundry Papers relating to the New Alexandria and Pittsburg Turnpike.

Gentlemen—

IN COMPLIANCE WITH THE REQUEST OF THE Governor of the state of Tennessee, I have directed to be transmitted herewith, copies of a preamble and sundry resolutions passed by the legislature of that state, respecting the mode of nominating candidates

for the offices of president and vice president of the United States.

I have also thought proper to submit to the legislature of sundry papers relating to the measurement of the New Alexandria and Pittsburg turnpike.

JOSEPH HIESTER.

December 15, 1823.

DOCUMENTS.

Preamble and resolutions of the General Assembly of the State of Tennessee.

The general assembly of the state of Tennessee, has taken into consideration the practice which on former occasions has prevailed in the city of Washington, of members of the congress of the United States meeting in caucus, and nominating persons to be voted for, as president, and vice president of the United States, and upon the best view of the subject, which this general assembly has been enabled to take, it is believed, that the practice of congressional nominations is a violation of the spirit of the constitution of the United States. That instrument provides, that there shall be three distinct and separate departments of the government; and great care, and caution seems to have been exercised by its framers to prevent any one department from acquiring or exercising the smallest degree of influence over another: and such solicitude was felt on this subject, that in the second section of the second article, it is expressly declared, that no "Senator" or "Representative" or person holding an office of trust, or profit, under the United States, shall be appointed an "elector." From this provision, it is apparent that the convention intended that the members of congress, should not be the principal and primary agents, or actors in electing the president and vice president of the United States—so far from it, they are expressly disqualified from being placed in a situation to vote for these high officers. Is there not more danger of undue influence to be apprehended when the members of congress meet in caucus and mutually and solemnly pledge themselves to support the individuals who may have the highest number of votes in such meeting, than there would be in permitting them to be eligible to the appointment of electors? In the latter case, a few characters rendered ineligible by the constitution, might succeed; but in the former, a powerful combination of

influential men is formed, who may fix upon the American people, their highest officers against the consent of a clear majority of the people themselves; and this may be done by the very men, whom the constitution intended to prohibit from acting on the subject. Upon an examination of the constitution of the United States, there is but one case in which the members of congress are permitted to act, which is, in the event of a failure to make an election by the electoral colleges; and then the members of the House of Representatives vote by states. With what propriety the same men, who in the year 1825 may be called on to discharge the constitutional duty, can in the year 1824, go into a caucus, and pledge themselves to support the men, then nominated, cannot be discerned, especially, when it might so happen, that the persons thus nominated could not under any circumstances obtain a single vote from the state whose members stand pledged to support them. It is said, that an election by the House of Representatives, would be a dangerous occurrence, which ought to be avoided. If so, let the constitution be so changed, as to avoid it; but so long as the constitution directs one mode of electing officers, let not a different mode prevail in practice. When the history of the American government is looked into, with an eye to this subject, the apprehended danger disappears. Experience, long since, pointed out the inconvenience of the original provisions in the constitution on this subject; an amendment calculated, as was supposed to remove every obstacle, was proposed by our wisest statesmen—it was adopted by the American people, and no difficulty has presented itself in subsequent practice; shall a fear that the amendment may fail to answer the end proposed by it, induce us to adopt a course, or persist in a practice which is manifestly an evasion of the constitution, and a direct infraction of the spirit of one of its most important provisions?

It has been said that the members of congress in caucus only recommend to the people, for whom to vote, and that the recommendation is not obligatory. This is true, and clearly proves, that it is a matter which does not belong to them—that in recommending candidates, they go beyond the authority committed to them, as members of congress, and thus transcend the trust delegated to them by their constituents. If their acts had any obligatory force, then the authority must be derived from some part of the constitution of the United States, and might be rightfully exercised; but when they say, they only recommend, it is an admission on their part, that

they are acting without authority, and are attempting by an usurped influence, to effect an object, not confided to them, and not within their power even by implication. It cannot be admitted, that there is any weight in the argument drawn from the fact, that both the parties heretofore contending for the superiority in the United States, have, in former times resorted to the practice. The actions of public or private men, heated by party zeal, and struggling for ascendancy and power, ought not to be urged as precedents, when circumstances have entirely changed. All political precedents are of doubtful authority, and should never be permitted to pass unquestioned, unless made in good times and for laudable purposes. In palliation of the practice of resorting to caucus nominations in former times, it was said, that each party must of necessity consult together in the best practicable way, and select the most suitable person from their respective parties, so that the united efforts of all those composing it might be brought to bear upon their opponents. It is to be recollected, that their is no danger of a departure from, or violation of the constitution, except when strong temptations are presented, and this will seldom occur except when parties are arrayed against each other, and their feelings violently excited. The state of things, however, in the United States is entirely changed. It is no longer a selection made by members of congress of different parties, but it is an election by the two houses of congress, in which all the members must be permitted to vote. It is not difficult to perceive that this practice may promote and place men in office who could not be elected, were the constitutional mode pursued. It is placing the election of president and vice president of the United States—an election in which all the states have an equal interest and equal rights, more in the power of a few of the most populous states, than was contemplated by the constitution. This practice is considered objectionable on other accounts, so long as congress is considered as composed of the individuals, on whom the election depends, the executive will is subjected to the control of that body, and it ceases in some degree to be a separate and independent branch of the government, and an expectation of executive patronage may have an unhappy influence on the deliberation of congress.

Upon a view of the whole subject, the following reasons, which admit of much amplification and enlargement, more than has been urged in the foregoing, might be conclusively relied on to prove the impolicy and unconstitutionality of con-

gressional nominations of candidates for the presidency and vice presidency of the United States. 1st. A caucus nomination is against the spirit of the constitution. 2d. It is inexpedient and impolitic. 3dly. Members of congress may become the final electors, and therefore ought not to prejudge the case by pledging themselves previously to support particular candidates. 4thly. It violates the equality intended to be secured by the constitution to the weaker states. 5thly. Caucus nominations may in time (if the practice is not effectually prevented by the interference of the states), acquire the force of precedents and become authoritative and thereby endanger the liberties of the American people.

This general assembly believing that the true spirit of the constitution will be best preserved by leaving the election of president and vice president to the people themselves, through the medium of electors chosen by them, uninfluenced by previous nominations made by members of congress, have adopted the following resolutions:

I. Resolved, That the senators in congress from this state, be instructed, and our representatives be requested to use their best exertions to prevent a nomination from being made during the next session of congress by the members thereof, in caucus, of persons to fill the offices of president and vice president of the United States.

II. Resolved, That the governor of this state transmit a copy of the foregoing preamble and resolutions to the executive of each of the United States, with a request that the same be laid before each of their respective legislatures.

III. Resolved, That the governor transmit a copy to each of the senators and representatives in congress from this state.

His excellency, Joseph Hiester, Governor of the Commonwealth of Pennsylvania:

Sir—Sometime since I received information that the Pittsburgh and New Alexandria turnpike road company, had improperly obtained from the state treasury in the year 1821, a considerable sum of money, more than by law they were entitled to. This information was communicated in such a way as to demand my immediate attention—I accordingly sent for and procured by depositions, such proof as satisfies me that the charge merits investigation. Therefore submit the case for

your excellency's consideration, and will wait your instructions in the matter.

The depositions referred to accompany this communication.

I am, your excellency's

Respectful and obedient servant,

THO. ELDER,

Harrisburg, March 20, 1823.

Westmoreland county, ss:

Personally came before me one of the justices of the peace for said county, William Newlon, and was sworn agreeable to law, deposeeth and saith, on the 25th of October, 1821, at a meeting of the president, treasurer and managers of the Pittsburg and New Alexandria turnpike road company, at Charles Johnstons, I being a manager of said company at that time, John A. Gilchrist, treasurer of said company, having been to Harrisburg shortly before this date, and being authorised to draw the balance of the state funds that was granted to said company, and that he the said John A. Gilchrist, treasurer of said company, applied to the president and managers of said company to know how much money there was due from the state to said company. The president and said treasurer made a calculation, after which the said John A. Gilchrist stated that he had draw'd above two thousand dollars more, and replied, gentlemen, I have got the money, and I don't want you to ask me any questions. At another meeting of said president, treasurer and managers at Joseph Millers, on the 4th of December, 1821, a motion was made to fix the salary of the president, treasurer and managers for the present year; different sums were mentioned for the treasurer's salary, which he was not satisfied with—he the said John A. Gilchrist claimed a larger sum, on account that he had got so much more money than the president and managers expected. I asked John A. Gilchrist how he had obtained that money? His reply was that the road measured more than twenty-seven miles, and that he defied any of us to make it more than twenty-five miles, or words to that import; and he the said John A. Gilchrist, stated that it was James Murry that suggested the idea or the plan, and he thought the managers should consider or recompence him for it. Said Gilchrist also stated that it was not altogether for his services that he claimed such a large salary; it was for his responsibility, and further saith not.

WILLIAM NEWLON.

Sworn and subscribed before me the 15th day of March, 1823.

ROBERT RAINEY.



Frederic Shulze

JOHN ANDREW SHULZE
Governor of the Common-
wealth.
1823-1829.



Chapter III.

JOHN ANDREW SHULZE.

Governor of the Commonwealth.

1823-1829.

CLERGYMEN ARE MUCH IN THE MINORITY among the Governors of Pennsylvania, John Andrew Schulze being the only representative of the Church in the number. The son of a German Lutheran clergyman, he was born in Berks county in 1775. Receiving a thorough classical and theological education, he was admitted to membership in the German Lutheran Synod in 1796 and ordained to the ministry. After six years pastoral work in Berks county, he was obliged to give up the ministry on account of a rheumatic affection of long standing, and engaged in business in Myerstown.

In 1806 to 1808 he served as a member of the House of Representatives, declining a re-election for a fourth term. He also declined the appointment of Surveyor General of the State, but accepted a combination of offices such as the sparse population and few official duties rendered possible in his day, viz.: "Register, Recorder, Prothonotary, Clerk of the Orphans' Court, and Clerk in the Sessions Court of Lebanon County." He resigned these positions in 1821 and was elected representative for Lebanon county in the Legislature. In

1822 he was elected State Senator for Dauphin and Lebanon counties, but before the year had passed he was elected Governor by the Democratic party, while, in 1827 he was re-elected by a majority unparalleled in the history of the State, receiving seventy-two thousand votes, while his opponent received only one thousand.

Himself an example of the most brilliant schooling, Governor Shulze, naturally valued highly the blessings conferred by education, and he spared neither precept nor example to impress upon the people the value of this unspeakable boon of the present age. The Monroe Doctrine was annunciated in 1823 and the Legislature of Pennsylvania having adopted resolutions cordially endorsing it, the action was communicated to the President by the Governor with his own unqualified approval. During his administration enormous advances in the canal system were initiated and completed, loans to the extent of six million dollars being negotiated by the state for the prosecution of the work, and in 1827 a railroad, nine miles in length, was opened near Mauch Chunk.

Upon the expiration of his second term the Governor retired from public life and amused himself with rural pursuits. In 1846 he took up his residence in Lancaster, where he remained until his death, November 18, 1852. His services as Governor extended from December 16, 1823, to December 15, 1829.

Proclamation Announcing the Election of John Andrew Shulze as Governor, and Continuing all Appointments under the Executive for the Term of Four Months.

Pennsylvania s. s.

[Signed] J. Andrew Shulze.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. By J. ANDREW SHULZE, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas, the Speaker of the Senate and the Speaker of the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania have duly certified that

the said Speaker of the Senate did, on the eleventh day of December instant, in the chamber of the House of Representatives, in the State Capitol at Harrisburg, open and publish the returns of the late election of a Governor of the said Commonwealth, in the presence of the Members of both Houses of the Legislature, conformably to the constitution of the said Commonwealth; and that upon counting the votes by a teller appointed on the part of each house, it appeared that J. Andrew Shulze had a majority of votes; Whereupon the said J. Andrew Shulze was declared to have been duly elected Governor of the said Commonwealth; and having first taken the oaths of office, was accordingly, on the sixteenth day of December, proclaimed Governor thereof.

Now, in pursuance of the power and trust to the Governor of this Commonwealth by the constitution and

laws granted and confided, and for preventing all failures in the administration of justice, I, the said J. Andrew Shulze, have deemed it expedient to issue this proclamation, hereby confirming and continuing all appointments made, and all commissions heretofore lawfully issued, for the term of four months from the date of these presents, unless the said appointments and commissions shall be sooner superseded and annulled.

And I do further direct and enjoin all public officers engaged in the several departments of the government, to proceed with diligence and fidelity in the performance and execution of their respective stations, so as most effectually to promote and secure the interest, peace and safety of the Commonwealth.

Given under my hand and the Great Seal of the State at Harrisburg, the sixteenth day of December, in the year of our Lord one thousand eight hundred and twenty-three, and of the Commonwealth the forty-eighth.

By the Governor.

Molton C. Rogers, Sec'y.

Inaugural Address to the Assembly.

Fellow Citizens—

ENTERTAINING AS I DO THE OPINION, THAT nothing should be more desirable to a good citizen than the esteem of a virtuous and free people, I will not attempt to disguise the pleasure with which I now render to you my most grateful thanks, for the testimony that you have given me of your confidence and regard.

And although the small services I have been enabled to perform in the course of my public duties, were wholly inadequate to the attainment of so splendid a

distinction, yet I am not insensible to the expectations of my fellow citizens, as manifested in the gratifying result of the late election. For without the vanity to suppose, that they intended by their suffrages, to express their approbation of my former conduct—I cannot but consider that in this pledge of their confidence there is an implied persuasion of the purity of my motives and the soundness of my political principles. It shall therefore be my unremitted endeavor, in the administration of the affairs of the commonwealth, to justify this favorable sentiment; and to that effort, I will dedicate the utmost exertions of my humble abilities with an honest zeal for the public good.

A frequent and an anxious examination of the conduct of their magistrates, is an indispensable duty of freemen. It is essential to the preservation of liberty, that it should be guarded with jealous eyes. Conscious of the rectitude of my intentions, though diffident of my capability of executing the arduous trust with which I have been honored, I would not deprecate, but on the contrary, would respectfully invite the attention of my fellow citizens to the measures of their government. I must, however, bespeak their indulgence for the errors of judgment which in so difficult a station must frequently occur. All I can additionally promise is, that my inclinations will heartily second the solemn injunctions of the obligation by which I have just bound myself, to support our excellent constitutions. Bred up with a profound veneration for those illustrious charters, every day of my life enforces the conviction, that they are to be ranked among the most important benefits, that human wisdom has conferred upon mankind. At any other period, it might be deemed superfluous to commend the principles, which they contain, to the reverence and fostering care of my fellow citizens. But the present times are distinguished by extraordinary events. A combina-

tion the most formidable the world ever witnessed, exists amongst the potentates of Europe, the object of which is nothing less than the entire prostration of the rights of man. The barriers of national independence have been forced, and a crusade carried on against the liberties of nations, whose only offence was a calm and peaceful attempt to improve their political condition. We have moreover seen a despotism, whose very existence is a stain upon the escutcheon of christian Europe, exercising the most unheard of atrocities upon a christian people who were struggling to be free. The holy alliance looked on with folded arms, whilst the Turkish barbarians were polluting the altars, plundering the temples, burning the cities, and butchering the inhabitants of christian Greece. Neither the ties of a common faith, nor the admiration of her ancient splendor and heroic virtues, excited in the bosoms of that heartless conspiracy, the least sympathy for the mother of republics. They regarded the regeneration of liberty in Greece, as adverse to the cause of thrones. In support of that cause doctrines have been promulgated by the league of despots, in direct and deadly hostility to the principles upon which our institutions are founded. Whether the light of freedom is destined to be extinguished in Europe or to beam forth with brighter effulgence, we shall have equal reason to cherish the generous flame which animated the valor of our forefathers, and to preserve unsullied the liberties which they have handed down. In either case it will behove us, not only to rejoice in the advantages which we possess, in a government founded upon the consent of the people and maintained by their authority, but from a two-fold motive of gratitude to our ancestors and love to our children, to transmit to posterity those advantages unimpaired.

It will not be expected, fellow citizens of the General Assembly, that I should at this time attempt to call

your attention to the subject which may be proper for your consideration during your session; your own experience and better wisdom, will suggest them in the regular course of your proceedings. I can only assure you, that every measure for relieving the embarrassments of the community, for the improvement of the resources of our state, and for the promotion of the public welfare, will be supported by the ready and unreserved co-operation of the executive branch of the government.

You will allow me, nevertheless, to submit a few remarks upon one or two topics of paramount importance. Former legislatures turned their attention, with a liberality which did them great honor, to the subject of education. It must be acknowledged, however, that much remains to be accomplished in this respect, and that the requisitions of the constitution are still in a great measures unanswered. The object of the convention seems to have been, to diffuse the means of rudimental education so extensively, that they should be completely within the reach of all—the poor who could not pay for them, as well as the rich who could. Convinced, that even liberty without knowledge, is but a precarious blessing, I cannot therefore, too strongly recommend this subject to your consideration.

Another point which I would respectfully suggest, relates to the encouragement of industry at home. As this is a subject more peculiarly within the province of the national government, I would submit the propriety of your requesting our representation in Congress, to exert its influence in establishing a tariff, which will completely protect American manufactures. The experience of seven years, has shewn that little dependence is to be placed upon the foreign demand for our agricultural products. It has been the policy of the most enlightened and prosperous nations of Europe, to exclude all articles of foreign growth or manufacture

which they can themselves produce. One nation by pursuing an opposite course, has sunk into an abyss of poverty and imbecility, though supported by all the mines of Mexico and Peru. These examples teach a lesson too intelligible to be misunderstood.

Tendering to you, individually, my best wishes for your personal happiness, I conclude with a sincere prayer that our effort and deliberations may be crowned with success in the advancement of the true interests of our constituents, and that an all-gracious Providence will shower its blessings upon the Commonwealth entrusted to our charge.

J. ANDREW SHULZE.

Harrisburg, Dec. 16, 1823.

To the Assembly announcing the Appointment of
Molton C. Rogers as Secretary of the Commonwealth.

Gentlemen—

IT IS PROPER TO INFORM YOU THAT I HAVE this day appointed and commissioned Molton C. Rogers, Esq. to be Secretary of the Commonwealth during my continuance in office, agreeably to the 15th section of the second article of the constitution.

J. ANDREW SHULZE.

December 16, 1823.

To the Assembly Transmitting Certain Documents.

Gentlemen—

I HEREWITH TRANSMIT FOR YOUR CONSIDERATION a copy of a letter from William Kirkpatrick, president of the company for erecting a bridge over the river Susquehanna in the county of Lancaster,

at or near the town of Columbia, together with the account of the state of the company by William M'Knight their treasurer.

J. ANDREW SHULZE.

Harrisburg, December 26, 1823.

DOCUMENTS.

State of the Bridge Office.

Columbia, Dec. 15, 1823.

By notes and bonds,	\$60,391 42
cash on hand,	1,581 81
United States stock,	73,656 83
cost of bridge,	231,922 97
real estate,	18,340
stock unsettled,	4,084
525 shares of stock forfeited,	52,500
596 do. taken in payment of debts, &c., by late board,	59,600
	<hr/>
	\$502,077 03
To capital stock,	\$419,400 00
notes in circulation,	3,956 42
dividends undemanded,	321
	<hr/>
	\$423,677 42

W. M'KNIGHT, Treasurer.

To his excellency J. Andrew Shulze, Governor of Pennsylvania.

Sir—The undersigned, president of the company for erecting a bridge over the Susquehanna river, in the county of Lancaster at or near the town of Columbia, begs leave to lay before your excellency the above statement of the affairs of the company as reported by the treasurer. As the state is interested in this company to a very large amount, your excellency will be pleased to present the statement to the consideration of the legislature.

Very respectfully,

Your excellency's most ob't. serv't.,

WM. KIRKPATRICK,

President.

Lancaster, Dec. 20, 1823.

To the Assembly with Report of the Northumberland Bridge Company for 1822-1823.

Gentlemen—

I HAVE THE HONOR TO TRANSMIT TO YOU A letter from J. P. De Gruchy, president of the Northumberland Bridge Company, accompanied with a statement of the account of the company from the 4th of May, 1822, to the 3d of May, 1823.

J. ANDREW SHULZE.

January 15, 1824.

DOCUMENTS.

Northumberland, 6th Jan., 1824.

Sir—On the 8th of January last year, I forwarded to governor Heister, the accounts of the Northumberland Bridge company of the preceding year, for the information of the legislature.

I have now the honor to send to your excellency by order of the board of managers, copy of the accounts to the annual time of making them up, viz., 5th May last.

It is with pleasure I can inform your excellency, in addition to the company being out of debt, that the toll has increased the last year, over that of 1822, in the sum of \$367.95, notwithstanding the disadvantage experienced of the river being lower than usual, and in consequence of which, the chief part of the trade passed under, instead of on the bridge; this increase it will be allowed is a pleasing and sure sign that the commerce of the back country is reviving.

It is confidently expected that the board will be enabled to declare a small dividend on the first Monday in May next, and on a capital reduced from \$90,000 to \$80,000, from that period it is hoped that an annual dividend will be regularly made.

It may be proper to refer your excellency to a general statement of the concerns of this bridge, which was forwarded (by order), to the chairman of a committee of Senate, Condy Raguet, Esquire, on the 28th Feb., 1822, and to which the board respectfully refer; since that time the "surplus fund" account, has been increased from \$798.79 United States 6 per cent. stock to \$1,600 United States 6 per cent. stock; this fund will now augment annually, to be ready for repairs occasioned by the natural decay of the bridge, or in case of any unforeseen accident.—This is respectfully submitted for the

information of the legislature, and I have the honor to subscribe myself.

Sir, your excellency's

Most obedient and most humble serv't.,

J. P. DE GRUCHY,

President N. B. C.

To his excellency J. Andrew Shulze, Esq., Governor of Pennsylvania, &c., &c.

To the Assembly Transmitting a Report on a New Penitentiary at Allegheny.

Gentlemen—

I HAVE THE HONOR TO TRANSMIT TO YOU the report of the commissioners for the erection of a state penitentiary, on the public land adjoining the town of Allegheny opposite Pittsburg.

J. ANDREW SHULZE.

January 24, 1824.

DOCUMENTS.

To his excellency J. Andrew Shulze, Governor of the Commonwealth of Pennsylvania:

The commissioners for the erection of a state penitentiary on the public land adjoining the town of Allegheny opposite Pittsburg,

Respectfully Report:

That they have throughout the whole of the past season, given their unremitting attention to the accomplishment of the object of their appointment—they have kept constantly engaged as many workmen as could be employed to advantage, and by this means, aided by the favorable and protracted season, have been enabled to finish the whole of the foundations of the circular cells, one hundred and seventy-two in number, to fill in and level the earth around them, and raise their walls to the height of three feet, a work of considerable magnitude to be accomplished in the short space of one season.

The expenses of the last season amount to eighteen thousand nine hundred and eighty-six dollars and forty-five cents,

which, added to the sums expended during former years, makes the total amount of expenditure one hundred and twelve thousand seven hundred and twenty-six dollars and forty-one cents, leaving a balance in the treasury of seven thousand two hundred and seventy-three dollars and fifty-nine cents, a considerable part of which will be required to meet the engagements of the present year.

As it is now ascertained that without an additional appropriation, all further progress in the building will be impossible, the commissioners submit for the consideration of the legislature, the following estimate of the amount which will probably be required for the completion of the building.

Estimate

Of the probable cost of finishing the circular cells, women's wards, main building, towers, cross walls, &c., of the penitentiary, viz:

Circular Cells.

Four courses range work below the spring of the arch,	\$11,147
Range work above the spring and materials, ..	5,596
Cut stone and brick work, and materials in passage walls,	6,070
Carpenters, plaisterers, painters and copper-smiths' work and materials,	8,457 64
Iron doors and fixtures, locks, hinges and bolts,..	5,409
	<hr/>
	\$36,679 64
Women's ward,	\$6,330 50
Privies,	2,420 91
Cross walls,	2,540
Paving culverts, &c.,	3,000
Finishing main building, towers, &c.,..	4,000
Kitchen and bake house,	1,500
Gateways, doors, &c.,	1,100
Digging and filling up yard,	700
Cisterns and fencing yard,	650
	<hr/>
	22,241 41
	<hr/>
	\$58,921 05

Of this sum one half will be requisite for the demands of the ensuing season and the commissioners respectfully suggest the propriety of an early appropriation, in order that they may be

enabled this winter to make contracts for the delivery of lumber in the spring.

JAMES ROSS.

ALEX. JOHNSTON, jr.

JOHN SCULL.

ABNER BARKER.

Commissioner's Office, Pittsburg, January 13, 1824.

To the Assembly transmitting the Report of the Adjutant General.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO you a copy of a letter from Robert Carr, adjutant general of the commonwealth of Pennsylvania, together with a return of the election, and also the return of the ordnance, camp equipage and military stores, the property of the commonwealth deposited in the state arsenal, and in the several brigades.

J. ANDREW SHULZE.

January 24, 1824.

DOCUMENTS.

Adjutant General's Office,
Philadelphia, January 7th, 1824.

Sir—I have the honor to transmit herewith agreeably to law, the detailed report of the militia of the commonwealth of Pennsylvania, for the year 1823; together with a statement of the ordnance, camp equipage and military store, deposited in the state arsenals; also those which are in the hands of the volunteers, and in charge of the brigade inspectors.

The return marked A exhibits the counties forming divisions; the names of the major generals, brigadier generals and brigade inspectors; the regiments in each brigade; the number of men in each regiment, brigade and division, with the volunteers in each brigade, and the arms in their possession. Shewing the grand total of 158,512 enrolled militia, including 23,738 volunteers armed and equipped; with 29 field pieces, 20,594 muskets and 14,118 rifles.

The return marked B exhibits a statement of the ordnance, camp equipage and military stores; the arsenals in which they are deposited; and the number in each arsenal; with the number of each article in the several brigades. The marks opposite each brigade will designate those brigade inspectors who have not made complete returns.

This report has been detained in consequence of the inspectors of the first brigade, ninth division, and second brigade, twelfth division, having neglected to make their annual returns to this office as directed by law: it is but a few days since the last return was received, although sent for in October last.

Since my last report, five field pieces and 2,865 muskets have been issued to the volunteers, and 630 damaged muskets have been returned to the arsenals.

The contracts for cleaning and repairing the arms and public property of the state arsenals, have been concluded on lower terms than heretofore. The contractors have cleaned and repaired 2,616, and cleaned and oiled 2,395 new muskets, which were found to be injured by rust in the arsenal at Meadville. The person who contracted to repair the carriages of the brass field pieces at Meadville, has completed only one of the four; and owing to some disagreement among the workmen, the work has been suspended.

The sum appropriated for cleaning and repairing the arms and public property, in the state arsenals having been exhausted, a detailed statement of the disbursements will be submitted to the legislature agreeably to law. There still remain upwards of 4,000 muskets, which require cleaning and repairing, and the greater part of them can be rendered serviceable at a comparatively small expense.

In obedience to the provisions of the 52d section of the militia law, I have selected abridged systems of discipline for the instruction of the cavalry, infantry and riflemen, which selection having received the approbation of the late governor, sixty-one copies of the cavalry discipline were purchased (being all that could be procured at present). The system of discipline for the infantry and riflemen are now in the press, and will be completed early in February next. For the artillery, the United States have adopted the system published by general Lallemand. As there is no abridgement of that highly valuable work, I beg leave respectfully to suggest the propriety of recommend-

ing that each company of artillery having a field piece, shall be furnished with a copy of the entire work.

With the highest respect,

I have the honor to be,

Your obedient servant,

ROBERT CARR,

Adjutant General of the militia of Pennsylvania.

His excellency John Andrew Schulze, Governor of the Commonwealth of Pennsylvania.

To the Assembly with Papers from the State of Alabama Concerning the Nomination of a Candidate for the Presidency of the United States.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO you a copy of a letter signed by the president of the Senate and speaker of the House of Representatives of the state of Alabama, together with a copy of the preamble and resolutions of the legislature of the same state, relative to the nomination of a candidate for the presidency of these United States.

J. ANDREW SHULZE.

January 29, 1824.

DOCUMENTS.

Cahawba, December 26, 1823.

Sir—The Senate and House of Representatives of the state of Alabama during their present session, having adopted certain resolutions, with a preamble expressive of what they believe to be the wishes of a large majority of their constituents, in relation to the approaching election for chief magistrate of the United States; his excellency the governor of this state, who was requested to transmit copies thereof to the governors of each of our sister states, having assigned reasons for not concurring in said resolutions:—

We, therefore, in pursuance of a subsequent request made by joint resolution of both houses of the General Assembly, take the liberty of transmitting to your excellency a copy of said

resolutions and preamble. Please accept assurances of our high respect and consideration.

SAMUEL W. OLIVER,
Speaker of the House of Representatives.
MIKS DAVIS,
President of the Senate.

We, the senators and representatives of the people of the state of Alabama, feeling a deep interest in the election of the chief magistrate of the United States, and believing that a large majority of the freemen of our infant state, regard it as an event involving their dearest interests, and conceiving that we understand correctly what their feelings and opinions are on this all important subject, presume to give to the people of the union, a faithful exposition of those feelings and opinion.

It is a source of deep regret that those heroes and sages of the revolution, who have occupied the largest space and most conspicuous station in the page of American history, have been swept away by the hand of time—they live now only in the hearts of their countrymen—their fame is embalmed in the affections of a grateful people. Thus deprived of nearly all of those, who had rendered themselves so dear to us, by their long and faithful services, we view with much concern, the arrival of that important crisis when another must be chosen to guard and direct for a time, the destinies of the nation. Several distinguished individuals have been proposed for this important trust, who are acknowledged to possess virtue and talents which would adorn any age or nation, and have rendered services to their country, which have excited the strongest feelings of gratitude in the hearts of the people of the Union, but it is in the person of General Andrew Jackson that we believe the people of Alabama behold the man whom they prefer to preside over the destinies, and protect the rights and liberties of these United States. He has served his country in many capacities, civil and military; in each he has been distinguished by the superiority of his talents. In our revolutionary struggle he united himself with the friends of liberty and independence—he has passed through the vicissitudes of life with a reputation as unsullied as his career has been glorious—his deeds of valor in the second war of independence, have given him a renown which time cannot efface. He is the man of the people, because he has gloriously defended and protected their rights and liberties. His strength of intellect, his unyielding virtue, his stern integrity and well tried patriotism, give him, with our constituents, stronger

claims than any other individual to the highest office in the gift of a free people.

Be it therefore resolved by the Senate and House of Representatives of the state of Alabama, in General Assembly convened, That we believe it is the ardent wish of a large majority of our constituents, that General Andrew Jackson should succeed Mr. Monroe as president of the United States of America, and we have no doubt he will receive the undivided support of the state of Alabama.

Wherefore,

It is further resolved, That the governor of this state be, and he is hereby requested to transmit to the governors of each of our sister states, copies of the foregoing preamble and resolution.

To the Assembly Transmitting a Report on the Lake
Erie and French Creek Canal.

Gentlemen—

I HAVE THE HONOUR OF TRANSMITTING TO you a copy of the report of the commissioners appointed by an act of the legislature of the 21st of March, 1823, to view and examine all the contemplated routes for connecting the waters of Lake Erie and French creek by canal and slack water navigation.

J. ANDREW SHULZE.

January 30, 1824.

To the Assembly with an Amendment to the Constitution of the United States proposed by the State of Georgia Providing that no Person of Color May be imported into a State contrary to Its Laws.

Gentlemen—

I HAVE DIRECTED TO BE LAID BEFORE YOU copies of a letter from the governor of the state of Georgia, covering a resolution of the legislature of that state, proposing an amendment to the constitution of the United States.

J. ANDREW SHULZE.

February 3, 1824.

DOCUMENTS.

Executive Department, Georgia,
Milledgeville, 10th January, 1824.

Sir—In compliance with a request of the legislature of Georgia, I enclose a copy of a resolution proposing an amendment to the constitution of the United States.

Very respectfully,

G. M. TROUP.

His Excellency the Governor of Pennsylvania:

Be it resolved by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That the following shall be proposed as an amendment to the constitution of the United States:

That no part of the constitution of the United States ought to be construed, or shall be construed, to authorise the importation or ingress of any person of color into any one of the United States, contrary to the laws of such state.

And that his excellency the Governor be, and he is hereby requested to communicate this resolution to the governors of the different states, with a request that the same be submitted to their respective legislatures; and that he do also communicate the same to our senators and representatives in congress.

To the Assembly Transmitting an Ohio Resolution
proposing the Emancipation of Slaves.

Gentlemen—

I HAVE THIS DAY APPROVED AND SIGNED
the following acts of the General Assembly, and
directed the Secretary of the Commonwealth to
return them to the house in which they originated, viz:

* * * * *

I have also the honor of transmitting to you, a copy of a letter signed by the governor of the state of Ohio, together with a copy of the resolutions of the legislature of the said state, proposing the gradual emancipation of slaves.

J. ANDREW SHULZE.

February 9, 1824.

DOCUMENTS.

Executive Office, Ohio,

Saturday, January 24, 1824.

Sir—I have the honor to transmit to your excellency a copy of resolutions passed by the General Assembly of the state of Ohio at their present session, and which you are requested to lay before the legislature of the state over which you preside.

I have the honor to be, sir,

Your most obedient servant,

JEREMIAH MORROW.

His excellency the Governor of Pennsylvania.

Resolutions

Proposing the Emancipation of Slaves.

Resolved by the General Assembly of the state of Ohio, That the consideration of a system providing for the gradual emancipation of the people of color, held in servitude in the United States, be recommended to the legislatures of the several states of the American union, and to the congress of the United States.

Resolved, That in the opinion of this General Assesmbly, a system of foreign colonization, with correspondent measures might be adopted, that would in due time effect the entire emancipation of the slaves in our country, without any violation of the national compact, or infringement of the rights of individuals; by the passage of a law by the general government (with the consent of the slave holding states), which should provide that all children of persons now held in slavery, born after the passage of such law, should be free at the age of twenty-one years (being supported during their minority by the persons claiming the service of their parents), providing they then consent to be transported to the intended place of colonization. Also,

Resolved, That it is expedient that such a system should be predicated upon the principle that the evil of slavery is a national one, and that the people and the states of the union ought mutually to participate in the duties and burthens of removing it.

Resolved, That his excellency the Governor be requested to forward a copy of the foregoing resolutions to his excellency the Governor of each of the U. States, requesting him to lay the same before the legislature thereof; and that his ex-

cellency will also forward a like copy to each of our senators and representatives in congress, requesting their co-operation in all national measures having a tendency to effect the grand object embraced therein.

To the Assembly with a Memorial of the Philadelphia Auctioneers to Congress Protesting against the imposition of a Duty on Sales by Auction.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO you, a memorial of the auctioneers of the city of Philadelphia, to the Senate and House of Representatives of the United States of America, remonstrating against the imposition of a duty on sales by auction. As the question embraced in this memorial is of great importance as affecting the revenue of the state, I have thought proper to call your attention to it, by submitting the memorial itself to your consideration. It will be for the legislature in their wisdom, to take such measures in this matter, so interesting to the Commonwealth, as they may deem proper and right.

J. ANDREW SHULZE.

Harrisburg, February 19, 1824.

Memorial of the Auctioneers of Philadelphia.

To the honorable the Senate and House of Representatives of the United States of America, in Congress assembled—

The memorial of the subscribers, citizens of Philadelphia,
Respectfully sheweth—

That they have seen in the public prints a memorial presented to Congress on the subject of auctions. It is the evident design of this memorial to prevail upon Congress to impose such a duty upon sales by auction, as will in effect be a prohibition of that mode of selling. This is a very serious proposition, and one against which your memorialists beg leave respectfully to remonstrate.

They admit, in the first place, that being themselves auctioneers, are personally interested in the question, and that this consideration would very naturally bias their judgments. But it is not their opinion they are about to offer; they wish only to present, respectfully, the facts and reasoning which their daily occupations have suggested, and to leave it to the deliberate wisdom of Congress to decide upon their value. They cannot, however, abstain at the same time from remarking, that many of those who have signed the memorial in favor of a destroying duty, are evidently influenced by selfish feelings, believing that the abolition of sales by auction will promote their own personal interests. In the sequel, indeed, it will probably appear, that the only effect sought to be produced is the transfer of business from one set of men to another.

At the outset, your memorialists would respectfully but earnestly ask the deliberate consideration of the nature of the act which Congress are called upon to pass. The avowed object and design is to put an end to sales by auction; a duty of ten or even of five per cent., will undoubtedly have that effect, and is asked for with no other view. For purposes of revenue, it must be conceded that it is not wanted. The treasury of the United States, fortunately, does not stand in need of aid. Is it necessary for Congress thus to interpose? Is it consistent with the spirit of the constitution? Will it not interfere with the just rights of the states? These are grave questions, which your memorialists venture to propound, relying upon the wisdom of congress to give them the answer they deserve. But until an answer is given, they may respectfully submit, that if auctions be mischievous, it is in the power of the legislatures of the states to restrain, to regulate, or to destroy them; and an act of congress can have no other consequence, but to compel and coerce the state governments, in opposition to their own will and judgment, upon a subject which, it must be admitted, has always heretofore been left to the states, and always been thought properly to belong to them. The measure proposed will not be limited in its effects to an interference with the power of the states, in regulating their own proper domestic concerns—some of them will be most sensibly and injuriously affected in their resources. The state of Pennsylvania, for instance, has for a very long time derived an important part of her revenue from auctions. It is fully incorporated with her system and forms a regular item of estimate and reliance to meet her needful expenditures. The col-

lection of it has become familiar and easy, as respects both the treasury and the citizen; and it is also certain and economical: This revenue now amounts to no less a sum than eighty thousand dollars a year. The abstraction at once of so large an amount from the means of the state, cannot but produce disorder and embarrassment—at least for a time, it must force the state government upon some scheme of taxation to supply the deficiency; and no plan, it is believed, can be devised that will be so free from objection as that which long experience has sanctioned. The same observations apply with still greater strength to New York, where a much larger income is derived from auctions, and appropriated to the completion of a public work of incalculable importance. They probably are applicable to many other of the states.

Without presuming in any manner to bring the interests and rights of the states into opposition, even in argument, with the powers of congress, your memorialists may, nevertheless, respectfully suggest the inexpediency of thus coercing the states to depart from their own peculiar and favorite mode of raising their needful revenue, and compelling them either to resort to taxes which may be objectionable, or to suffer a material and embarrassing defalcation in their finances. As the object of the memorial referred to is simply to abolish auctions, so are the facts and arguments set forth in it, calculated only to persuade your honourable bodies that sales by auction ought to be abolished. In the statements it contains, your memorialists hope to be able to show that there is most manifest error—and to its argument of the general evil tendency of auctions, they beg leave to oppose a very striking historical fact. They offer it in preference to any reasoning of their own, because it is the voice of experience, and they hope that its persuasive authority will give countenance and support to what they may have hereafter to urge.

Auctions have existed in Pennsylvania from a very early period, with the general approbation of the community and of the legislature. On the 26th day of November, 1779, a period of great public embarrassment and difficulty, an act was passed for their suppression, with some very limited exceptions, grounded on the embarrassed state of commerce, and an allegation that they had been made use of as a device for enhancing the price of commodities, and depreciating the bills of credit of this state and of the United States. The auctions, it would seem, were then, as now, charged with producing most of the evils that afflicted the community. A very short ex-

periment, however, was sufficient to expose the error. In less than ten months, to wit, on the 23d of September, 1780, an act was passed, reciting in its preamble that it "appears to be necessary, in the present situation of the trade and commerce of this state, that the sale of goods at public vendue should be enlarged and extended," and enacting that three auctioneers should be appointed, with authority to sell all descriptions of goods and merchandise. The number of auctioneers have since been increased by successive acts; and at present any one may sell by auction who will pay for a license two thousand dollars a year to the state and give security for the payment of the duties, and for the faithful discharge of his office.

Upon this fact it is needless for your memorialists to make a comment. It speaks a plain and intelligible language, to warn us against listening too readily to suggestions like those contained in the memorial referred to, by informing us that similar suggestions have once been tried and found wanting—that a very short experiment was sufficient to prove that auctions are useful and necessary; and that when, in compliance with the wishes of those who believed them to be the prolific source of mischief, they were suppressed by the power of the legislature, it was found expedient, almost immediately, to revive and extend them. And your memorialists would here remark, that this was done not for the sake of revenue, but for the interests of "trade and commerce"—thereby declaring, unequivocally, after a fair experiment, that auctions were beneficial to "trade and commerce," and that the inconvenience of being without them was greater than that which existence occasioned. Such a deliberate acknowledgment, adopted and acquiesced in ever since, and still the basis of the legislation of Pennsylvania, must, your memorialists respectfully submit, outweigh many speculative arguments. For it cannot be supposed that the legislatures of the states are inattentive to the well being and interests of the citizen, or that they would suffer practices to continue which are evidently hurtful to the morals and welfare of the public. It may probably be found, that similar experiments have been made in other states. But if they have not, the affirmative evidence afforded in every state where auctions are permitted, that they are upon the whole, found conducive to the interests of trade and commerce, is well deserving of great consideration, before an act is passed to abolish them throughout the Union.

And now your memorialists would ask, what are the objections that are urged against auctions? They are plausible, no doubt, or they would not be so zealously pressed. But your memorialists will venture to say, that if carefully and impartially examined, with due attention to facts, they will be found destitute of any real foundation, and they respectfully ask the indulgence of congress while they endeavor to state some of the reasons for this opinion. In the great business of exchange which is continually going on, and which constitutes trade in its largest acceptation, the buyer is the natural and proper antagonist of the seller, and the seller of the buyer. The one seeks to make the most of his commodity, and the other to make the most of his money, and they generally meet upon fair and equal terms—the only interest they have in common, and that is common to all who either buy or sell, is that they shall be left perfectly free—that there shall be no interference to compel one to take less, or the other to give more than he chooses to take or to give. In fact every attempt to interfere must prove abortive, as all experience shews, and if there be anything which is perfectly settled, it is that prices cannot be regulated by legislation. It may also be assumed as indubitable, that whatever may be the mode of buying and selling, the principle is still the same—modes are adopted for convenience, and are varied according to circumstances as convenience requires. But the buyer is in every mode the check upon the seller, and the seller upon the buyer, and the sale is the result of their mutual agreement. If any plan of selling could be devised by which goods would bring higher prices than in any other, all would of course sell in that way; and if a plan could be devised by which goods could be sold lower than in any other, all would buy in that way if they could. Would it be wise or politic, in either of these cases, for the government to interfere, by prohibiting such mode of sale, if it was mutually satisfactory? What would such an interference amount to but an attempt to regulate prices? And what good purpose could it answer? If goods are sold cheap the buyer gains—if they are sold dear the seller gains. Society has no interest which should determine its interference in favor of either, and still less which should induce it to take away the freedom of both. On the contrary, if modes of sales are adopted in practice which facilitates exchanges, and lessens their expense, (and none other are likely to be adopted), the interests of both buyer and seller are thereby promoted, and the prosperity of the public advanced. The

intelligence and skill of individuals, directed by a never failing regard for their own concerns, are found in this respect to be the safest guides.

Selling by auction is one of the modes adopted for public convenience, not for the sake of the auctioneers, but for the sake of buyers and sellers who find it for their interest, or for other reasons prefer to deal in that way. No man is obliged to sell at auction, and no man is obliged to buy at auction. The question, then, is not whether auctioneers shall be permitted to sell, but whether the community shall be denied the privilege of dealing in such manner as is found most convenient. Whether the citizens shall not be prohibited from buying and selling at auction, even though he wishes or finds it for his advantage to do so. Such a restraint upon the reasonable liberty of the citizen, seems to your memorialists to require very plain evidence of its necessity for its justification. The government of the Union has not heretofore thought it necessary thus to enter into the concerns of individuals, with the purpose of regulating them. It is said that auctions are "monopolies," and that they are of "aristocratic tendency"—but it is not said how they are monopolies, nor in what manner it is that they tend to aristocracy: Your memorialists believe that it would be extremely difficult to shew that either part of the proposition is correct. If it be meant that the auctioneers enjoy a monopoly, your memorialists respectfully answer, that in Pennsylvania the number of auctioneers was limited by law, and they received their appointments from the governor. This was done with a view chiefly to the revenue to be derived to the state, and if there was any thing in it which savoured of monopoly, it was the deliberate work of the legislature for the public benefit, and it is not to be doubted that in the exercise of their discretion they fairly weighed the imaginary evil against the actual advantage. But even the semblance of objection which this restriction might be supposed to afford, has been for some time done away. Any man may obtain an auctioneer's commission who will pay two thousand dollars a year to the state, and give the needful security. Now, therefore, there is no pretence for talking of monopoly.

In other states it may be, that for reasons of sufficient weight in the estimation of their respective legislatures, the number of auctioneers is still limited by law. Is this right, or is it wrong? The state legislatures are the proper and competent judges, and your memorialists will not hazard an opin-

ion. They take it for granted, however, that wherever this is the case, the auctioneers give to the state, in money or in service, what is deemed a fair equivalent, and that the fruits of the supposed monopoly are fully and fairly gathered into the public treasury of the state, for the equal benefit of all the citizens. There is nothing of monopoly in the matter, and still less is there of anything like aristocratic tendency. The aristocratic tendency is rather shewn by those who set up their own individual opinion and wishes in opposition to the will of the majority, expressed in constitutional legislative acts.

It is also said that the system of selling by auction is "undermining the wealth and resources of our country, and corrupting the virtue of our countrymen, without producing any benefit to the community"—and that it is "poisoning all the channels of fair and honorable trade." These are very grievous accusations, and if they be well founded, are calculated to produce the most serious alarm. But they are without any proof. Where is the evidence of this corrupting influence? Auctions have been freely used in this country for more than half a century—they have been used for centuries, perhaps, on the eastern side of the Atlantic. The most accurate thinkers in all that time have never found reason to believe that our frail nature was exposed by them to peculiar temptations, or even that our nature was so frail as to make the mode of selling a most material cause in producing degeneracy and corruption.

Your memorialists have been led to believe that the mode is a mere question of convenience, and that the temptations, whatever they are, are to be sought for in the substance and not in the form of a transaction. But this they will venture to affirm as a general truth, that the interposition of an intermediate person of honest and respectable character, between the buyer and seller, is calculated rather to check the dishonest designs of both, than to give aid to either. He is himself disinterested; he is the agent of both parties, and cannot have an interest in the knavish designs of the buyer or seller, and is a disinterested witness in case of dispute between them. But what your memorialists would further object to all such charges is, that they are not only unsupported by proof, but they are so general as to defy all attempts at refutation. How is it that such great effects are produced by auctions? What is the mode in which they operate to disorder and poison the community? Surely those who are thus intent upon their destruction can be at no loss to furnish a specification, if the

charge be well founded. Are trading communities, where auctions are permitted, more corrupt than those (if any there be), where they are prohibited? Has such a degeneracy taken place in the traders of the United States, as will justify the objections referred to? Is it true, or will any thinking man believe, that those who buy or those who sell at auction, are men of exceptionable characters? Your memorialists would at once flatly deny any such allegation, and would not hesitate to affirm, that men of the highest standing and purest character in the commercial world, avail themselves freely of the advantages which this mode of dealing offers. How, then, they would repeat, is it, that auctions operate to the prejudice of the public morals? Your memorialists would challenge an answer to this question, not in strong terms of general declamation, but by plain facts. It is said, indeed, in the memorial, that they afford facilities "for the operation of fraudulent debtors, dishonest agents and youthful speculators." This is scarcely less specific than the former charge. Your memorialists will, nevertheless, take upon themselves to say, that "fraudulent debtors, dishonest agents and youthful speculators," have found many ways of accomplishing dishonest purposes, much more convenient than any facilities afforded by auctions. They confidently appeal to experience, and they may safely call upon any candid and reasonable man to say, whether he honestly believes that the number of dishonest failures would have been in the least diminished by the destruction of auctions. Whether he believes there would have been one less, if no such thing as an auction had existed in the world? But it is also said, that the auctions afford advantages to large capitalists and foreigners; that if the business which is now done to an immense amount by a few auctioneers, were suffered to flow into its legitimate channels, it would create a very increased demand for warehouses and stores, and afford support to the families of many clerks and inferior agents. This your memorialists have no doubt is the real argument of those who have opposed themselves to auctions; and your memorialists will do them the credit of believing that they honestly think it well founded; yet it must be perfectly manifest to every one who will reflect, that the main proposition, imposing as it may seem, is compounded of an error in fact, and a commercial paradox.

Auctions give no advantages to large capitalists; on the contrary, they tend to produce equality—capital enables its owner to keep his stock by him to wait the most favorable turn

of the market, to build stores and warehouses, in short, to improve every occurrence to his own advantage, auctions extend these advantages in some degree to all. The man with small capital may obtain an advance and postpone his sale till the opportunity offers of selling it on good terms; this is a facility he obtains by means of auctions, and which puts him more nearly on a footing with the capitalists. The capital of an auctioneer is in fact distributed, and serves the purpose of many, while that of other large capitalists is made subservient only to their own. But the view now taken is confined to the seller. Is the buyer to receive no consideration? And here it is that a most extraordinary paradox will be found: by means of auctions, it happens that fewer warehouses and stores are employed, and fewer clerks and agents.—Supposing the facts to be as stated, (and your memorialists are not prepared either to admit or deny it), what will follow? That sales by auction are the most economical, and that the buyer can purchase there upon the cheapest terms. It is quite a novelty to argue that this is an evil, or that it becomes the legislature to endeavor by law to increase the charges upon sales. Those who have signed the memorial, and who are chiefly residents in our large cities, may flatter themselves that they would be gainers by the change; but let the great class of buyers, the merchants of the interior, and the greater class of consumers spread over the United States, be asked whether they desire to be compelled to pay additional charges, to buy their goods dearer, or upon worse terms; on the contrary, is it not for the public advantage, that the circulation of commodities should be as little obstructed and embarrassed as possible—should be carried on at the least expense, and with the fewest charges to the consumer. Goods are not imported or manufactured to fill warehouses and stores, nor are sales made to employ clerks. To make the end subservient to the means, would be plainly unwise and impolitic, and in this instance it would be also unjust, because it would subject the people at large to burthen and expense, in order to favor a few. The objection further supposes, that auctions give advantages to foreigners at the expense of American citizens, affording such facilities to the foreign manufacturer, as enables him at any time to pour the whole of his surplus stock into our market. It is not the intention of your memorialists to enter into the discussion of any of those great questions of public policy which occupy the attention of congress, nor to express an opinion upon the expediency of measures of protection against foreign interfer-

ence with the important national interests—they are not connected with the present subject. But to the objection last mentioned, they beg leave to oppose a statement, which they trust will receive credit, and which will clearly show that it is not founded in fact. They herewith annex to this memorial the following statement, being a correct account taken from the books of an auctioneer in this city, and embracing a period of more than two years:

Foreign account and agents of foreigners.	Domestic manufac- ture.	American citizens.	Total.
\$73,219 00	\$117,550 00	\$1,892,296 00	\$2,083,070 00

This shows that the whole amount of sales for foreigners, and foreign agents, is about 3½ per cent. The amount of domestic manufactures about 6 per cent.—and we are confident the sales of all the other auctioneers in the city, on account of foreigners, is not equal to 6 per cent. of the whole amount of sales. We also would invite the attention of your honorable body more especially to the following statement, furnished by another auction house in this city, and embracing also a period of more than two years.

	Domestic Manufacture.	British agents and British account.	American Citizens.	Totals.
Sales from the 6th day of June, 1821, to 31st May, 1822,	\$70,125 00	\$93,564 00	\$936,516 00	\$1,100,205 00
Sales from the 1st day of June, 1822, to 31st Dec., 1822,	686,516 00	187,746 00	1,918,837 00	2,793,459 00
	\$756,641 00	\$281,310 00	\$2,855,353 00	\$3,893,664 00

From this you will perceive that the amount of sales on foreign account is about 7 per cent., the residue for American citizens, and 20 per cent. of the whole amount are American manufactures of cotton and woolen goods—so inconsiderable is the proportion of business done at auction on foreign account. They may therefore conclude, that foreigners have not yet availed themselves of the advantages which often are supposed to afford them, and therefore that there is no just ground of apprehension. Under this impression, it seems scarcely necessary for your memorialists to observe, that of all the modes of discouraging importation for sale on foreign account, (if that be the object), there is none which would be more oppressive to our own citizens and less effectual for its purpose, than to abolish auctions. Cannot the foreigner sell his goods through the agency of commission houses? Does not the business already done in that way amount to an immense annual sum? Can he not himself establish agents in our ports, and sell by their instrumentality? Is not this also done? And do not the sales in each of these ways, for foreigners, far exceed those which are made by auctioneers, and are far more seriously interfere with American citizens? If auctions were at once abolished, would not the supposed advantages enjoyed by foreigners be still the same? There is nothing to hinder them from extending their business, and underselling, by means of commission houses and agents; and if they are content with lower prices, they must and will have a preference in the market. This, in truth, would be the only result in this respect of abolishing auctions. If it be urged that the expenses are less in selling at auction, your memorialists would answer that they are not able to say whether they are or not. The rate of profit naturally bears a proportion to the magnitude and quantity of business done, but it is in an inverse ratio. A large commission house, receiving consignments to the amount of hundreds of thousand dollars, may be well content with the rate of charge which would scarcely enable a smaller dealer to live—what then? Would any one be so unreasonable as to propose that laws be passed to compel a distribution of business, in order that all might be made equal, and all be compelled to charge alike? And yet without some such regulation, of what avail would it be to abolish auctions? The foreigner will still have the selection of the most advantageous mode of selling, and the power of fixing his own price, and therefore may still interfere with those who are less fortunately circumstanced to quite as great an extent, as he can at present.

In a national point of view, however, your memorialists think that such considerations are of little weight. Consumption is the great end of trade, and the consumer the chief object of care and attention. If goods are sold too cheap, he does not suffer; if they are enhanced in price, it is at his expense. And though your memorialists most willingly admit, that for the purpose of revenue or for the promotion of important national interest, it may be wise and expedient to impose heavy duties upon the importation of certain articles of foreign growth or manufacture, yet the importation being permitted and made, it would be too much to expect that congress will follow the goods in their passage, from hand to hand, in order to keep up the price at which they may be eventually received by the consumer. It may be true, and your memorialists hope it is, that nine-tenths of the detected frauds, attempted upon the revenue, have been directly through the agency of foreigners—the auctioneers are not foreigners, nor the agents of foreigners—they are public officers; generally of some standing in society, and with a great interest in the preservation of their good name and character. They are as free from suspicion of frauds upon the revenue, or of attempts to commit frauds or connivance at frauds, as any other class of traders. Nor is it easy to see how their business either gives facilities, or affords temptations, to this particular kind of mischief. If it be only meant, that auctions afford encouragement to foreigners to send their goods here for sale, your memorialists hope enough has already been said, fully to refute the suggestion; and they may add, with great respect for the better judgment of congress, that if the evil be really such as to call for the interposition of the legislature of the Union, a much more simple and efficacious remedy would be found in prohibiting, altogether, importations on foreign account; a measure which your memorialists do not by any means intend to advocate or recommend, but only to indicate as the legitimate conclusion of a great part of the argument against auctions.

Your memorialists will not take upon themselves to say that selling by auction may not, like all other modes of selling, have its own attendant evils; that they are of the nature or magnitude represented by some, they wholly deny. As far as their knowledge extends, it is as fair and satisfactory and as little exposed to the danger of fraud or mal-practice as any other mode of selling whatever. If within a few years past, the business has been considerably extended, this is demonstrative evidence of the public approbation, and the strongest

contradiction of the assertion, that the evils of the system are felt and deplored by every portion of the community, but the auctioneers themselves. Those who buy and those who sell are unquestionably satisfied; and being so, your memorialists would respectfully submit, that others have no reasonable cause to complain. What might be the effect of prohibiting sales by auction, it belongs not to your memorialists to say. That it would be a greater disturbance in the business of trade, as now carried on, cannot be doubted. Among those who would severely feel the change, would be the humbler classes of manufacturers, who work with their own hands, and now find in the advances made by them by auctioneers, the means of continuing their labours. The facilities afforded to them, have been of the greatest importance in sustaining their efforts; and upon this point your memorialists challenge enquiry.

Your memorialists might also urge that auctions have great influence in fixing prices, and making them steady and regular, as well as notorious. This must be admitted to be an advantage. The merchants from the country, who wish to lay in a stock, can now ascertain at once, and with certainty, the market value of the goods they desire to purchase, and can obtain them upon the best terms, without going from store to store, and instituting an uncertain and unsatisfactory comparative enquiry. That they so consider the subject, and believe auctions to be advantageous, will appear from the spontaneous expression of opinion by such of them as happen now to be in Philadelphia, contained in a paper herewith exhibited. It might also be urged, with truth, that auctions have had the effect, in some degree, of shortening credits, and thus diminishing one great cause of disorder and mischief in the commercial world. But this memorial has already been extended to so great a length that they will not attempt to state the advantages of this mode of dealing; and indeed it is unnecessary, for the public patronage is the most convincing argument that can be adduced, and comprehends all the rest. They will only beg leave, in conclusion, to remind those who object against auctions, that besides the revenue which in ordinary times they yield to the states, in times of public exigency they have afforded a ready source to the treasury of the Union. To abolish them, is to cut off that resource for the future; and your memorialists need not remark, how unwise that would be.

Your memorialists therefore pray, that auctions may be left upon their present footing.

(Signed by the Auctioneers.)

Philadelphia, Jan. 30, 1824.

To the Assembly with Information from the Governor of Maryland of the Transmission of Certain Copies of the Report of a Susquehanna-Baltimore Canal Commission.

Gentlemen—

I HAVE THE HONOR TO TRANSMIT TO YOU A copy of a letter from Samuel Stevens, junr. Governor of the state of Maryland, and to inform you that the two hundred copies (therein referred to) of the report of the commissioners appointed by the Executive of Maryland to ascertain and fix on a route for a canal which will connect the waters of the Susquehanna with the city of Baltimore, have been received, and are now in the Office of the Secretary of the Commonwealth, awaiting the disposition of the legislature.

J. ANDREW SHULZE.

Harrisburg, February 21st, 1824.

DOCUMENTS.

Council Chamber,
Annapolis, December 17th, 1826.

Sir—By direction of the House of Delegates, I have the honor to send you, by mail, two hundred copies of the report of the commissioners appointed by the Executive of Maryland, to ascertain and fix on a route for a canal which will connect the waters of the Susquehanna with the city of Baltimore. I embrace this opportunity of expressing to your excellency the great pleasure that I derive in seeing the spirit that pervades every part of the country for internal improvement, and hoping that your excellency will reciprocate these sentiments;

I have the honor to be,

With great respect,

Your excellency's ob't servant,

SAMUEL STEVENS, Jr.

His Excellency, the Governor of Pennsylvania.

Baltimore, January 1st, 1824.

J. A. Shulze, Esq: .

Dr. Sir—I have been directed by the Governor of this state to forward to you 200 copies of the report of the commissioners

appointed to survey a practicable route for a canal to connect the waters of the Susquehanna river with the city of Baltimore, &c.

The reports have been packed carefully in a box, but not finding an opportunity direct to Harrisburg, I have this day sent them by wagon to J. Schmidt, Esq., York, with a request that he will on receipt of them forward the same to you by stage.

Your's very respectfully,

F. LUCAS, Jr.

To the Assembly with Resolutions of Mississippi Endorsing the "Monroe Doctrine," a Memorial from Citizens of New Jersey protesting against the Re-inspection in Pennsylvania of Certain Products, and Documents from Virginia concerning the Chesapeake and Ohio Canal.

I HAVE THE HONOR OF TRANSMITTING TO you, a copy of a letter signed by the Secretary of the State of Mississippi, together with a copy of the resolutions of the representative branch of the legislature of said state, approving of the declaration of the President, as set forth in his message to Congress, the second of December last past, respecting European powers.

I also lay before the legislature a copy of a letter from the Governor of New Jersey, accompanied by a memorial presented to him from a number of citizens of said state, who are largely engaged in the exportation of beef, pork and lard, complaining of the inconvenience and damage which they are put to, in consequence of a law of Pennsylvania, which subjects those article to re-inspection, tho' they have been previously packed and branded agreeably to the laws of New Jersey.

I further lay before the legislature copies of a letter from the Governor of the state of Virginia, and of an act of the legislature of that state, entitled "An act incorporating the Chesapeake and Ohio canal company."

J. ANDREW SHULZE.

Harrisburg, March 3, 1824.

DOCUMENTS.

Secretary of State's Office,
Jackson, Mississippi,
Jan'y. 27th, 1824.

His Excellency, the Governor of Pennsylvania:

Sir—By direction of the Governor, I have the honor herewith, to transmit your excellency, the enclosed resolution of the representative branch of the legislature of this state.

With due consideration,

I have the honor to be,

Your excellency's ob't. serv't.,

JOHN A. GRIMBALL,
Sec'y of State

Resolution.

Whereas the President of the United States, in his message to Congress, dated 2d December, eighteen hundred twenty-three, declares to the world, and the Holy Alliance in particular, that "the citizens of the United States cherish sentiments the most friendly, in favor of the liberty and happiness of their fellow men on that side of the Atlantic. In the wars of the European powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded, or seriously menaced, that we resent injuries, or make preparation for our defence. With the movements in this hemisphere, we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different, in this respect, from that of America. This difference proceeds from that which exists in their respective governments. And to the defence of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it therefore to candor, and to the

amicable relations existing between the United States and those powers, to declare, that we should consider any attempt, on their part, to extend their system to any portion of this hemisphere, as dangerous to our peace and safety. With the existing colonies or dependencies of any European power, we have not interfered, and shall not interfere. But with the governments who have declared their independence, and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling, in any other manner, their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition towards the United States. In the war between those new governments and Spain, we declared our neutrality at the time of their recognition, and to this we have adhered, and shall continue to adhere, provided no change shall occur, which, in the judgment of the competent authorities of this government, shall make a corresponding change on the part of the United States indispensable to their security."

And whereas, the people of this state consider that declaration as speaking a language required by the existing state of things, and ought to be echoed from one extreme of the Union to the other,

Be it, therefore,

Resolved by the House of Representatives of the state of Mississippi, That this state approves in the warmest terms, of the foregoing declaration; and that it marks the sound statesman—the unbending patriot.

And be it further Resolved, That we will sustain, by every means in our power, the policy avowed by the President in the foregoing declaration, and stand pledged to furnish our full quota of men, treasure and blood, when required.

Be it further Resolved, That the Governor of this state be requested to forward to the President of the United States one copy of this resolution, and one copy to each of the members of Congress from this state, and to each Governor of the several states of the United States.

COWLES MEAD,

Speaker of the House of Representatives.

Elizabethtown, New Jersey, February 25th, 1824.

Sir—The enclosed memorial has been presented to me from a number of respectable citizens of the western part of this

state, who are largely engaged in the exportation of beef, pork and lard, complaining of the inconvenience and damage which they are put to in consequence of a law of Pennsylvania, which subjects those articles to re-inspection in that state, though they have been previously packed and branded agreeably to the laws of New Jersey.

I take the liberty of transmitting to you their memorial, that you may more fully understand the grievance which they wish to have removed; and to request you, if you think favorably of the measure, to lay the subject before the legislature of Pennsylvania for their consideration.

I have the honor to be,

With the greatest respect,

Your obedient servant,

ISAAC H. WILLIAMSON.

His Excellency the Governor of Pennsylvania.

To Isaac H. Williamson, Esq., Governor of New Jersey:

The memorial of the subscribers inhabitants of the said state,
Respectfully sheweth—

That the manufacturers of pork, beef and lard for the Philadelphia market, residing in the western part of this state, have for many years been subject to inconvenience and damage, and often to great impositions, in consequence of the unequal operation of a law of the state of Pennsylvania, which forbids the sale or the exportation of such provisions, until they have undergone inspection there, conformably to their law, although it may have been previously inspected here. And as the pork and lard of our state has always maintained a superiority of character both at home and abroad, we think it reasonable and equitable that an inspection had in our state, of its own produce, and under its own laws, should entitled it to the same exemption from re-inspection that it obtains at New York, and that all such provisions have, as are transported to Philadelphia through the capes of Delaware.

And we think good policy requires that citizens from our own state should have the emoluments derived from inspection in preference to those of another state, especially when it can, as in this case be done, not only as well, but actually better, when the provisions are first put up, than at any other time or place.

We make this representation to the head of our executive, with a request that he will be pleased to have the grievance

laid before the Govrnor of Pennsylvania and solicit his aid in introducing the subject to the attention of the legislature of that state at their present sessions, with a view to the obtaining prompt relief.

As we can but be impressed with the sentiment, that the liberality and good sense of that body will be a sufficient guarantee to their granting the same whenever they fully understand the state of the state.

Black Horse, Burlington County, 1 mo. 19th, 1824.

Jonathan Hough,
Jno. Bishop,
Joseph Smith,
Budd Sterling,
Joseph N. Hough,
Henry C. Heyl,
William Ridgway,
James Shreve,
Thomas Earl,
Evans Morrison,
Peter Harvey, jun.,
Abner Page,
Caleb Scattergood,
Isaac Johnston,
John Dunphy,
Jonathan Scattergood,
Nathan B. Black,
Alex'r Shreve,
Michael Earl,
William Newbold,
I. L. M. Knight,

John Black,
William C. Wright,
Cleayton Newbold,
John Aaronear,
Samuel Page,
Isaac Field,
Joseph Sykes,
Wm. H. Cawperthwait,
Thomas Starkey,
Jonathan Brown,
Samuel Shreve,
Jonathan L. Shreve,
David R. Stokton,
George Black,
Jacob Jones,
Samuel Ridgway,
Caleb Aaronson,
Benj'n Scattergood,
Barzillas Trins,
Tanton Earl,
Thos. C. Sterling.

Executive Department,
Richmond, 14th Feb'y, 1824.

Sir—In compliance with a resolution of the General Assembly, bearing date on the 9th instant (a copy of which accompanies this communication), I have the honor to transmit to you the copy of an act passed during their present session, entitled "An act incorporating the Chesapeake and Ohio Canal company."

I am with the highest respect,
Your obedient servant,

JAMES PLEASANTS, jun.

His Excellency the Governor of Pennsylvania, Harrisburg.

To the Assembly with a Resolution of the Maine Legislature Opposing the Proposition of the State of Georgia with Regard to Importation of Colored Persons from One State into Another.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO you a copy of a letter of the Governor of the state of Maine, together with a copy of a resolution of the legislature of said state disapproving of the amendment to the constitution proposed by the said Georgia.

I also lay before the legislature a copy of a letter from the Secretary of the state of Alabama, together with two copies of the acts of the General Assembly of that state, for the use of each branch of the legislature of this state.

J. ANDREW SHULZE.

Harrisburg, March 8, 1824.

DOCUMENTS.

State of Maine.

Executive Department,

Portland, February 26th, 1824.

Sir—I have the honor to transmit to your excellency a copy of a resolution passed by the legislature of this state at the present session, which you are requested to lay before the legislature of the state over which you preside.

With due consideration, I am, sir,

Your obedient servant,

ALBION K. PARRIS.

His Excellency the Governor of Pennsylvania.

State of Maine.

Resolve disapproving the amendment to the constitution proposed by the state of Georgia.

Resolved, That the alteration of the constitution of the United States, proposed by the state of Georgia, on the 22^d day of December, 1823, "that no part of the constitution of the

United States ought to be construed, or shall be construed to authorise the importation or ingress of any person of color into any one of the United States, contrary to the laws of such state," be, and the same is hereby disapproved by the legislature of this state. And the Governor is hereby requested to transmit a copy of the foregoing resolution to the executive of each of the United States.

To the Assembly Transmitting a Maryland Act incorporating the Chesapeake and Ohio Canal Company.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO you a letter signed by Ninian Pinkney, clerk of the council, together with a copy of an act, entitled "An act incorporating the Chesapeake and Ohio Canal company," passed by the legislature of Maryland, with the request to lay the same before the present legislature of this state.

J. ANDREW SHULZE.

Harrisburg, March 13, 1824.

DOCUMENT.

Council Chamber,

Annapolis, March 8th, 1824.

Sir—In the absence of his excellency the Governor from the seat of government, I do myself the honor of enclosing your excellency the copy of an act incorporating the Chesapeake and Ohio Canal Company, and hope it will arrive in time to be laid before the Legislature of Pennsylvania at its present session.

I have the honor to be,

With great respect,

Your obedient servant,

NINIAN PINKNEY,

Clerk of the Council.

His Excellency the Governor of Pennsylvania.

To the Assembly Concerning the Interests of the Commonwealth in the Bank of Pennsylvania.

Gentlemen—

AS THE FINANCIAL CONCERNS OF THE Commonwealth are at this time of peculiar importance, I have thought it my duty, although near the close of the session, to draw the attention of the legislature to the act of Assembly, entitled "An act to continue an act, entitled, an act to incorporate the subscribers to the Bank of Pennsylvania and for other purposes," passed the 14th of February, 1810; by the first section it is provided, that from and after the fourth of March, 1823, the state shall be allowed to subscribe at par for twelve hundred and fifty shares of the stock of the bank. The facility with which the state could borrow the money required, and the pecuniary advantages of subscribing for that amount of stock, are so obvious that it is deemed unnecessary to detail them. Having submitted this matter to the wisdom of the legislature, I doubt not, they will take such order upon it as is best calculated to promote the best interest of the commonwealth.

J. ANDREW SHULZE.

Harrisburg, March 22, 1824.

Proclamation of Reward for the Apprehension of
John Sharra, charged with the Murder of David
Cochran.

Pennsylvania ss.

[Signed] J. Andw. Shulze.



IN THE NAME AND BY THE AU-
thority of the Commonwealth of
Pennsylvania. By J. ANDREW
SHULZE, Governor of the said Com-
monwealth.

A PROCLAMATION.



Whereas, I have received au-
thentic information that David
Cochran, late of the county of
Indiana, was, on the evening
of the sixteenth instant, bar-
barously and cruelly murdered
by a certain John Sharra, who has since fled from jus-
tice, and it appears that all efforts to arrest him have
hitherto proved ineffectual: And Whereas, the repu-
tation of the government, the peace and security of its
citizens, and the obligations of justice and humanity
require, that the perpetrators of offences so atrocious
should be brought to speedy and condign punishment,
I have therefore thought it proper to issue this procla-
mation, hereby offering a reward of one hundred dol-
lars to any person or persons who shall apprehend and
secure the said John Sharra in any jail within fifty
miles of the place where the said murder was commit-
ted, and the further sum of one hundred dollars in ad-
dition to the first mentioned sum, if he shall be appre-
hended and secured in any jail of this Commonwealth
at any greater distance than fifty miles from the place
aforesaid; which sum or sums are to be paid on his
being convicted of the said crime: And all Judges,
Justices, Sheriffs, Coroners, Constables, and other of-

ficers within this Commonwealth, according to the duties of their respective offices, are hereby required and enjoined to be attentive and vigilant in enquiring after and bringing to justice the perpetrator of the crime aforesaid.

Given under my hand and the Great Seal of the State at Harrisburg, this twenty-fifth day of June, in the year of our Lord one thousand eight hundred and twenty-four, and of the Commonwealth the forty-eighth.

By the Governor.

James Trimble, Deputy Sec'y.

John Sharra, who murdered David Cochran, late of Indiana County, in Pennsylvania, on the evening of the 16th. instant, is about five feet, eleven inches high, stout made, has fair hair, sandy whiskers, very large blue eyes, and down look; has a scar on his shoulders occasioned by the cut of a scythe; his right leg somewhat shorter than the other. He had on when he escaped a check shirt, brown linsey pantaloons, new fur hat and new shoes—other clothes not known. He is fond of whiskey, and is a blacksmith by trade, and is between twenty-five and thirty years of age.

Proclamation Declaring the Election of Electors of President and Vice President of the United States in 1824.

Pennsylvania ss.

[Signed] J. Andw. Shulze.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By J. ANDREW SHULZE, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas, it is provided in and by an act of the General Assembly of this Commonwealth entitled "An act to direct the manner, time and places of holding elections for

electors of a President and Vice President of the United States," passed on the second day of February in the year one thousand eight hundred and two, and the supplement thereto passed the twenty-ninth day of March in the year one thousand eight hundred and twenty-four, that the Governor having received the returns of the elections from the Sheriff of the City and County of Philadelphia, and the respective Sheriffs of the several Counties of the Commonwealth, shall enumerate and ascertain the number of votes given for each and every person voted for as an Elector of a President and Vice President of the United States; and thereupon declare by Proclamation the names of the persons so duly elected and chosen: and also that he shall notify the same to the Electors respectively on or before the last Wednesday in the month of November next after such election: And Whereas it appears by the returns which I have received that Thomas Leiper, Cromwell Pearce, Philip Peltz, Alexander McCaraher, Daniel

Sheffer, Daniel Raub, Joseph Engle, John Pugh, Adam Ritscher, Charles Kenny, Adam King, William Beatty, Valentine Giesy, John Reed, James Duncan, John Boyd, Abraham Addams, Isaac Smith, William Thomson, Asa Mann, John Fogel, Philip Benner, John Rush, Peter Addams, James Ankrim, Henry Scheetz, Adam Light and James Murry are the persons for whom the greatest number of votes were given at the said election held on Friday the twenty-ninth day of October last past: Now therefore, I have issued this Proclamation, hereby publishing and declaring that the said Thomas Leiper, Cromwell Pearce, Philip Peltz, Alexander McCaraher, Daniel Sheffer, Daniel Raub, Joseph Engle, John Pugh, Adam Ritscher, Charles Kenny, Adam King, William Beatty, Valentine Giesy, John Reed, James Duncan, John Boyd, Abraham Addams, Isaac Smith, William Thomson, Asa Mann, John Fogel, Philip Benner, John Rush, Peter Addams, James Ankrim, Henry Scheetz, Adam Light and James Murry are duly elected and chosen Electors of a President and Vice President of the United States, to serve at the election in that behalf to be held [at the seat of government] of this State (being in the Borough of Harrisburg in the [County of Dauphin) agreeably] to the said Acts of the General Assembly of this Commonwealth, [and the acts of Congress] in such case made and provided.

Give under my hand and the Great Seal of the State at Harrisburg, the fifteenth day of November, in the year of our Lord one thousand eight hundred and twenty-four, and of the Commonwealth the forty-ninth

(By the governor,)

James Trimble, Deputy Secretary.

To the Presidential Electors Transmitting Three Certified Lists of Electors of a President and Vice President of the United States.

Fellow-Citizens,

IN COMPLIANCE WITH THE ACT OF CONGRESS, passed the first day of March, in the year one thousand seven hundred and ninety-two, the secretary of the commonwealth will, herewith, deliver to you three lists of the names of the persons chosen on Friday, the twenty-ninth day of October last, as Electors of president and vice-president of the United States.

J. ANDW. SHULZE.

Harrisburg, December 1, 1824.

Pennsylvania, ss.

[Signed] J. Andw. Shulze.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania.

J. ANDREW SHULZE, governor of the said Commonwealth.

A PROCLAMATION.

To all to whom these presents shall come, certifies and makes known,



That, at an election held in and for the state of Pennsylvania, on Friday, the twenty-ninth day of October, in the present year, the following named persons were duly elected and returned to be Electors of president and vice-president of the United States, for the term of four years next ensuing the fourth day of March, in the year one thousand eight hundred and twenty-five, agreeably to the laws and constitution of the United States,

and of the state of Pennsylvania, that is to say:—Thomas Leiper, Cromwell Pearce, Philip Peltz, Alexander McCaraher, Daniel Sheffer, Daniel Raub, Joseph Engle, John Pugh, Adam Ritscher, Charles Kenny, Adam King, William Beatty, Valentine Giessy, John Reed, James Duncan, John Boyd, Abraham Addams, Isaac Smith, William Thomson, Asa Mann, John Fogel, Philip Benner, John Rush, Peter Addams, James Ankrim, Henry Scheetz, Adam Light, and James Murry.

Given under my hand and the great seal of the state, at Harrisburg, this first day of December, in the year of our Lord one thousand eight hundred and twenty-four, and of the commonwealth the forty ninth.

(By the governor,)

Molton C. Rogers,

Secretary of the Commonwealth

Pennsylvania, ss.

J. Andw. Shulze.



IN THE NAME AND BY THE AUTHORITY of the commonwealth of Pennsylvania.

J. ANDREW SHULZE, governor of the said commonwealth.

A PROCLAMATION.

To all to whom these presents shall come, certifies and makes known,



That, at an election held in and for the state of Pennsylvania, on Friday, the twenty-ninth day of October, in the present year, the following named persons were duly elected and returned to be Electors of a president and vice-

president of the United States, for the term of four years next ensuing the fourth day of March, in the year one thousand eight hundred and twenty-five, agreeably to the laws and constitution of the United States, and of the state of Pennsylvania, that is to say:—Thomas Leiper, Cromwell Pearce, Philip Peltz, Alexander M'Caraher, Daniel Sheffer, Daniel Raub, Joseph Engle, John Pugh, Adam Ritscher, Charles Kenny, Adam King, William Beatty, Valentine Giessy, John Reed, James Duncan, John Boyd, Abraham Addams, Isaac Smith, William Thomson, Asa Mann, John Fogel, Philip Benner, John Rush, Peter Addams, James Ankrim, Henry Scheetz, Adam Light and James Murry.

Given under my hand and the great seal of the state, at Harrisburg, this first day of December, in the year of our Lord one thousand eight hundred and twenty-four, and of the commonwealth the forty-ninth.

(By the governor,)

Molton C. Rogers,

Secretary of the Commonwealth.

Pennsylvania, ss.

[Signed] J. Andw. Shulze.



I N THE NAME AND BY THE AUTHORITY of the commonwealth of Pennsylvania.

J. ANDREW SHULZE, governor of the said commonwealth.

A PROCLAMATION.

To all to whom these presents shall come, certifies and makes known,



That, at an election held in and for the state of Pennsylvania, on Friday, the twenty-ninth day of October, in the present year, the following named persons were duly elect-

ed and returned to be Electors of president and vice-president of the United States, for the term of four years next ensuing the fourth day of March, in the year one thousand eight hundred and twenty-five, agreeably to the laws and constitution of the United States, and of the state of Pennsylvania, that is to say:—Thomas Leiper, Cromwell Pearce, Philip Peltz, Alexander M'Caraher, Daniel Sheffer, Daniel Raub, Joseph Engle, John Pugh, Adam Ritscher, Charles Kenny, Adam King, William Beatty, Valentine Giessy, John Reed, James Duncan, John Boyd, Abraham Addams, Isaac Smith, William Thomson, Asa Mann, John Fogel, Philip Benner, John Rush, Peter Addams, James Aukrim, Henry Scheetz, Adam Light, and James Murry.

Given under my hand and the great seal of the state, at Harrisburg, this first day of December, in the year of our Lord one thousand eight hundred and twenty-four, and of the commonwealth the forty-ninth. (By the governor,)

Molton C. Rogers,

Secretary of the Commonwealth.

A Proclamation Declaring the Election of James Clark as a Presidential Elector.

Pennsylvania, ss.

[Signed] J. Andw. Shulze.



IN THE NAME AND BY THE AUTHORITY of the commonwealth of Pennsylvania.

J. ANDREW SHULZE, governor of the said commonwealth.

A PROCLAMATION.

To all to whom these presents shall come, makes known,



That a majority of the Electors of president and vice president of the United States, being assembled this day in the senate chamber of the state capitol, in this borough, it has been certified, that, under the provisions of an act of general assembly, passed the twenty-ninth day of March last, James Clarke, esquire, was duly chosen, by that body, as an Elector of president and vice-president of the United States, on the part of this state, in the place of Isaac Smith, esquire, one of the Electors chosen by the people, but who did not attend at the seat of government on the day next preceding the day of the meeting of the said Electors, as is prescribed in and by one other act of the general assembly of this commonwealth, passed the second day of February, in the year one thousand eight hundred and two, entitled, "An act to direct the manner, time and places, of holding elections for Electors of president and vice president of the United States."

Given under my hand and the great seal of the state, at the borough of Harrisburg, this first day of December, in the year of our Lord one thousand eight

hundred and twenty-four, and of the commonwealth the forty-ninth.

(By the Governor,)

Molton C. Rogers,
Secretary of the Commonwealth.

Pennsylvania, ss.

[Signed] J. Andw. Shulze.



I N THE NAME AND BY THE AUTHORITY of the commonwealth of Pennsylvania.

J. ANDREW SHULZE, governor of the said commonwealth.

A PROCLAMATION.

To all to whom these presents shall come, makes known,



That a majority of the Electors of president and vice-president of the United States, being assembled this day in the senate chamber of the state capitol, in this borough, it has been certified, that, under the provisions of an act of the general assembly, passed the twenty-ninth day of March last, James Clarke, esquire, was duly chosen, by that body, as an Elector of president and vice-president of the United States, on the part of this state, in the place of Isaac Smith, esquire, one of the Electors chosen by the people, but who did not attend at the seat of government, on the day next preceding the day of the meeting of the said Electors, as is prescribed in and by one other act of the general assembly of this commonwealth, passed the second day of February, in the year one thousand eight hundred and two, entitled, "An act to direct the manner, time and places, of hold-

ing elections for Electors of president and vice-president of the United States."

Given under my hand and the great seal of the state, at the borough of Harrisburg, this first day of December, in the year of our Lord one thousand eight hundred and twenty-four, and of the commonwealth the forty-ninth.

(By the governor,)

Molton C. Rogers,

Secretary of the Commonwealth.

Pennsylvania, ss.

[Signed] J. Andw. Shulze.



IN THE NAME AND BY THE Authority of the commonwealth of Pennsylvania.

J. ANDREW SHULZE, governor of the said commonwealth.

A PROCLAMATION.

To all to whom these presents shall come, makes known,



That a majority of the Electors of president and vice-president of the United States, being assembled this day in the senate chamber of the state capitol, in this borough, it has been certified, that, under the provisions of an act of the general assembly passed the twenty-ninth day of March last, James Clarke, esquire, was duly chosen, by that body, as an Elector of president and vice president of the United States, on the part of this state, in the place of Isaac Smith, esquire, one of the Electors chosen by the people, but who did not attend at the seat of government on the day next preceding the day

of meeting of the said Electors, as is prescribed in and by another act of the general assembly of this commonwealth, passed the second day of February, in the year one thousand eight hundred and two, entitled, "an act to direct the manner, time and places, of holding elections for electors of president and vice-president of the United States."

Given under my hand and the great seal of the state, at the borough of Harrisburg, this first day of December, in the year of our Lord one thousand eight hundred and twenty-four, and of the commonwealth the forty-ninth.

(By the governor,)

Molton C. Rogers,

Secretary of the Commonwealth.

To the Assembly Vetoing "An Act to Regulate the Practice of Physics and Surgery Within this Commonwealth."

Gentlemen—

AT THE LAST SESSION OF THE LEGISLATURE, a bill, entitled "An act to regulate the practice of physic and surgery, within this commonwealth," was presented to me for my approval. I declined signing the bill at the time, that an opportunity might be afforded me of giving the subject that deliberate consideration which the deep interest felt in its passage, and its great importance so imperiously demanded. It must always be a matter of great regret when the executive is compelled to differ in opinion from an enlightened legislature. To me it is peculiarly disagreeable, but a conscientious discharge of my duty, is with me, a superior consideration. Believing that this bill, if enacted into a law, will be attended with

pernicious consequences, I am under the disagreeable necessity of returning it to the House of Representatives, in which it originated, for re-consideration.

The reasons which impel me to this course shall be briefly stated. As the experience of others is the best test of the usefulness of any untried measure, I have, during the recess, made repeated and anxious inquiries of the operation of similar bills in our sister states. My information has invariably been, (and that too from the most pure and enlightened sources,) that it has not been found to answer the expectations of the disinterested friends of the measure. That its tendency has been rather to legalise than suppress quackery. That it has been the occasion of much contention, and frequently the means of great injustice and oppression to individuals. With this knowledge of its effects in other states, I cannot see any thing in the provisions of the act in question which will secure our citizens from similar evils. In my apprehension, instead of suppressing, it sanctions quackery, the existence of which is confessed and regretted.

A diploma is, in fact, conferred upon every ignorant pretender to science in medicine, who shall have commenced the practice before the enactment of the law.

I will not press upon your attention, that the provisions of this bill seem to interfere with the undoubted right of our citizens, secured by the constitution and laws, to exercise their talents in the manner best calculated to advance their individual interests, nor the right which every man claims of employing the person, who, in his opinion, may be best qualified to afford relief to his sufferings.

I would not be understood, as denying the power of the legislature, to regulate the practice of physic and surgery, but merely to question the expediency of enacting a law, which a large and respectable portion of the community believe to be contrary to the best established principles of the constitution.

Restrictions, such as are the objects of the present bill, should not be made without a much greater necessity than appears to me to exist in this case.

The settlement of well educated physicians, in every neighborhood, and the increase of knowledge, are the only sure and effectual remedy for the evil, a remedy not attended with any disadvantages.

The attention which is now paid to medical instruction, and the large number of graduates, who annually complete their course of education, in the university of Pennsylvania, give reason to believe, that the evils which the bill was intended to remedy, cannot be of long duration.

The power vested in the board of examiners, is of an extensive and dangerous nature; and when we consider, the interest which members of the board may have in its abuse, it becomes us to pause, before we expose respectable men to so great a temptation. For their abuse of power, there is no penalty imposed, unless it consists in their removal from office. There is no responsibility, unless it be to public opinion.

The last section is peculiarly objectionable. It contains the establishment of an inquisition, of a most odious nature, over the private conduct of a valuable class of our citizens. The board of examiners have the power of degrading a fellow practitioner, the disgrace of which can never be removed, even by a successful appeal to the court of quarter sessions. I can perceive no reason why the same principle may not hereafter be extended to every class of our citizens. The precedent is, in my apprehension, so pernicious, that I cannot under any circumstances consent to a bill containing such a provision.

Having now, gentlemen, performed my duty, I shall with pleasure leave this business in the hands of those to whom it has been so wisely entrusted by the constitution.

J. ANDW. SHULZE.

December 8th, 1824.

Annual Message to the Assembly—1824.

Gentlemen:—

IN THE FULL ENJOYMENT OF ALL THE BLESSINGS of liberty and peace, we have every reason for congratulation on the prosperity, happiness, and rising greatness of our country. The firm and dignified policy, pursued by the general government, continues to command the respect of foreign powers. Respected abroad, we are left at liberty, under the protection of a kind Providence, whose signal interposition we have so often felt and acknowledged as a nation, to cultivate the arts of peace, and add to the comfort and happiness of our citizens. To develop the resources, and promote the essential interests of your constituents, you are now assembled; and measures, calculated to advance the public good, will meet my most earnest co-operation and concurrence.

With the most pure and heartfelt delight, the citizens of the United States, have witnessed the arrival of the great and distinguished friend of our country, General La Fayette. Having reached our shores since your last adjournment, you have not had an opportunity of expressing, in your legislative capacity, those sentiments of affection and gratitude, with which all classes of the people are animated. The vivid recollection of his great and disinterested services, the manifestation of feeling which has so universally prevailed, gives reason to believe that our friend and benefactor, will receive some evidence of the substantial gratitude of the nation. The means will be for the wisdom of congress to devise. This desirable result, might perhaps be promoted, by an expression of the wishes of the legislatures of the respective states of the union. A resolution of the legislature of Pennsylvania with this object, will receive my most cordial approbation and concurrence.

The constitution of the Commonwealth of Pennsylvania, provides "That every man, for an injury done him, in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay." It may be well worthy of legislative inquiry, how far this constitutional injunction has been carried into effect, by our existing laws. The security of our rights is the principal end of civil government. Unnecessary delay in the administration of the law, becomes the most flagrant injustice, productive of ruinous expense, and loss of valuable time to parties and witnesses. If, as is alleged, justice be withheld year after year, I know of no more serious grievance, or which more loudly calls for the interposition of the legislature. It is not for the executive to say from what causes the delay arises, whether from the defective organization of our courts, or the weak, inefficient manner in which the laws are administered. I would, however, earnestly recommend legislative inquiry, that if the evil be found to exist, a legislative remedy, in a matter so interesting to the citizens of the Commonwealth, may be promptly applied.

It may be useful to state, that the delay has been in some measure ascribed to the facility afforded to writs of error, from the supreme court, to the decisions of the inferior tribunals. The trifling costs paid in the court of last resort, operates as an encouragement for the removal of suits, which causing a great accumulation of business, necessarily produces great delay. If unsuccessful, the party has no increased interest to pay, nor are the costs such as to deter him from making frivolous and captious objections to the judgment of the lower court. Whenever a cause has been fairly tried, it is a disgrace to any code of laws to have the controversy remanded upon a mere technical objection, which rarely enters into the merits of the dispute be-

tween the parties. The continuance of causes on account of the absence of witnesses, has been complained of as a great evil. It is suggested with great diffidence, whether the taking of depositions before some competent persons, appointed in each county for that purpose, to be read in evidence, in case of the absence of the witness, might not have a beneficial effect in the despatch of business, and at the same time decrease the expense and vexation of witnesses, in being compelled so frequently, to attend to give testimony in our courts of justice.

It has been decided by the supreme court, that the verdict of a jury on the issue, *devisavit val non*, concludes the right to the personal, but not the real property of the deceased. Hence, it sometimes occurs, that a man dies intestate as to the personal, and testate as to his real property. The right to the personalty is fixed by the verdict, whilst the real property continues the subject of dispute to the injury of the parties, and the prosperity of the country. I cannot conceive any injury, but great good, that would arise from the verdict and judgment being equally conclusive, in the one case as the other.

In Pennsylvania, the ownership of real property is usually tried, in the action of ejectment, in which case two verdicts and judgments are required by our laws, to bar the right. It is indeed difficult to perceive, why a verdict and judgment should be final and conclusive of the right to a large sum of money, and not have the same effect on one acre of land. Policy, and the best interest of the country, require that real property, particularly, should have a fixed and determinate owner. Under this view, the revival, or rather simplification of the ancient writ of right, would be an improvement of our judicial code.

The act erecting the district court for the city and county of Philadelphia, will expire by its own limita-

tion, from and after the thirteenth day of March, eighteen hundred and twenty-five. Unless the legislature should think it expedient to re-model the court, the business of that commercial section of the state, will require its continuance, for a limited time. Whether the short period for which judges are necessarily appointed, under the present system, will enable the executive to call into service the best talents of the country, will be for the legislature in its discretion to decide.

While on the subject of the judiciary, I would suggest for your consideration, whether the addition of two judges to the supreme court, would not be attended with advantages more than equal to the increased expense.

The commissioners appointed under the act of the last session, providing for the appointment of a board of commissioners for the purpose of promoting the internal improvement of the state, have been diligently engaged in the performance of those duties; a detailed statement of which will be presented to you, during your session. The importance of a water communication in a political, commercial and agricultural point of view, is now so well understood, that it may be deemed unnecessary to advert to it. The act of the last session may be considered as the continuation of a system, destined at no distant day, to mingle the waters of the west with the Atlantic. Whenever the necessary information has been collected, and the practicability of canals in the western section of our state fully ascertained, it will be the part of a well regulated and wise policy to extend, with a liberal hand, the fostering aid of the government. The resources of the state are fully equal to the enterprize, and every reliance may be securely placed upon the intelligence and patriotism of our citizens. From the information we have already obtained, there is but little doubt that Pennsylvania

presents the cheapest and best route for the connection of the western waters with the Atlantic; in which event, we may confidently expect the aid of the general government, in this national work, so incalculable in its advantages to the different states of our widely extended and extending confederacy.

I have the pleasure, herewith, to transmit to you, the report of the commissioners, appointed to view and examine twenty-two locks on the lower section, and forty-two locks on the upper section, of the river Schuylkill, and whether the navigation is so far executed in a masterly, workman-like manner. The warm terms of praise in which the commissioners speak of this work is highly gratifying; and whilst its completion is evidence of the individual enterprize of our citizens, it shows that Pennsylvania has not been inattentive to this essential branch of internal improvement. This canal will, hereafter, prove an important link in the chain of connection to be formed with the north and west, and our beautiful and thriving metropolis.

Under the "Act to authorize a loan and for other purposes," the state has been enabled to borrow the amount which our exigencies required on terms advantageous to the commonwealth. By advertisements in the different newspapers of Philadelphia and New-York, persons desirous of loaning money to the state, were requested to forward proposals to the office of the secretary of the commonwealth, on or before the first day of June. By an estimate from the treasurer, it was ascertained, that the demands of the treasury would require two hundred and twenty thousand dollars, including the sum of ninety thousand dollars, previously borrowed from the bank of Philadelphia, and which the executive, by the fourth section of the act, was authorised, but not required to renew. The whole amount was taken by the Bank of Pennsylvania,

the terms offered by them being the most favorable, at an interest of five per cent. the state receiving a premium of eight thousand three hundred and twenty-seven dollars. The interest on the stock to commence when the money was passed to the credit of the commonwealth, which it was agreed should be as follows:—One hundred thousand dollars on the first Monday in June; eighty thousand dollars on the first Monday in October, and the remaining forty thousand dollars on the third Monday in December.

It may be proper to inform the legislature, that the treasurer paid, at the time it became due, the money heretofore borrowed by the state from the bank of Philadelphia, by which operation, a gain has accrued to the state to the amount of the premium received on the sum of ninety thousand dollars.

Although the importance of education has been frequently pressed upon your attention, you will excuse me, gentlemen, if I again present it for your consideration. As the stability of our republican institutions depends upon the intelligence of our citizens, the instruction of our youth should never be lost sight of by the government of a free people. It has been said, on another occasion, "that liberty itself, without education, is but a precarious blessing." To carry into effect the constitutional injunction, much has been already done: it must, however, be conceded, much remains yet to do. Primary schools have been established, and colleges endowed, yet in a manner heretofore, unfortunately, not equal to their wants or necessities. I would respectfully suggest, whether an annual sum, specially appropriated for that purpose, would not in a few years raise a fund equal to the universal diffusion of the elements of education among the children of the republic.

Connected with education, permit me to call your attention to the American Biographical Dictionary, com-

piled by one of our citizens, and intended for the use of schools. This work, which is well executed, illustrates the principles of our government, and holds up for imitation to the rising generation, some of the highest examples in the page of history, of heroism and devotion to country. As an incentive to virtue, and love of country, it may be well worthy of legislative patronage.

In the distribution of power under our complicated system, commerce and manufactures seemed to have been placed more immediately under the superintendence of the general government, whilst the interests of agriculture have been left in a great measure to the protection of the respective state legislatures. Hence it results that these important interests demand our most serious and anxious care, for at this time of pressure and difficulty for the farmer, it is necessary for him to make up in quantity, for the depressed price of his agricultural products. Experience has demonstrated the great advantages of agricultural societies, and it is believed that a further extension of the system, by the establishment of a state institution, with a small annual appropriation, would greatly assist the labors of that valuable portion of our citizens.

The state penitentiaries, now erecting in the cities of Philadelphia and Pittsburg, are progressing with considerable rapidity. As those prisons are constructed upon the principle of solitary confinement, and of course containing an alteration in the mode and degree of punishment, it is submitted whether a revision of the penal code will not be absolutely necessary. The proper apportionment of punishment to crime is among the most delicate acts of legislation, and requires, and certainly will receive, that deliberate consideration which its importance merits. Valuing, as we do, the free and liberal institutions of our country, there is nothing more interesting than the perfect security of

the elective franchise. In some parts of the state the present mode of voting has enabled the artful and designing to impose false and spurious tickets upon the ignorant and unsuspecting citizen. Voting on one, instead of several pieces of paper, would, it is supposed, answer every useful purpose, lessen the evil complained of, and prevent, in a great measure, the scandalous invasion of the dearest rights of our citizens.

The pernicious practice of betting on elections still continues to prevail, which, if the legislature are desirous of preventing, as there can be no doubt they are, it must be by laws other than those now in force. The only effectual remedy which occurs to the executive, is the making the betting on an election the disqualification of the voter, for the time being, the fact to be ascertained either by the oath of party, or by indifferent testimony.

A practice has heretofore too much prevailed, of deferring the passage of important bills until near the close of the session of the legislature. The numbers which are then presented, for the concurrence of the executive, are so numerous that it is impossible for him to give them that deliberate consideration which their importance requires, and which the framers of the constitution intended they should receive. I would respectively suggest whether some means might not be devised to lessen this accumulation of business. As this matter is more particularly within the province of the legislature, it will be sufficient for me to point out the evil, with a confident belief that every thing will be done on your part to prevent its recurrence.

From a statement of the auditor-general, herewith transmitted, the commonwealth appears to be indebted, one million eight hundred and fifty thousand dollars. Of this sum, three hundred and eighty thousand dollars will be payable in the year eighteen hundred

and thirty-four; two hundred and twenty thousand, in eighteen hundred and thirty-nine; and nine hundred and thirty thousand in eighteen hundred and forty-one. When the remainder of the debt, amounting to three hundred and twenty thousand dollars will be called for, is altogether uncertain, consisting of appropriations heretofore made to turnpike roads, canals, bridges, and miscellaneous objects of expenditure. These several sums of money, it is but justice to remark, were debts contracted for improvements made or commenced during the administration of my predecessors. The annual expenses of government amount to about three hundred and ten thousand dollars, which have increased, and in all probability will continue to do so with the increase of population. For the purpose of meeting the interest of the debt, paying the debt itself, and the ordinary expenses of government, the state has a revenue, arising in various ways, about three hundred and forty thousand dollars, leaving a surplus of about thirty thousand dollars. This excess of revenue, above expenditures, will be insufficient to discharge the additional appropriations which the wants of the state will necessarily require. If this be a correct exposition of our finances, it is delusive to consider them in a flourishing situation. Many of our ordinary sources of revenue are uncertain and fluctuating in their nature, particularly the funds vested in the banks, the tax on those institutions, and the money received by the state from the land department. It is obvious, that if the present system be continued, the commonwealth will be in no better, but a worse situation, in 1834, 1839, and 1841, to meet their engagements, than they are at present. Unless, then, we are willing to submit to a perpetual debt, the time must soon come, when other measures must be devised than annual loans. I am free, gentlemen, to declare, that the contraction of debt, without at the same time providing the means of its gradual

extinction, is a policy which, in my apprehension, is totally inconsistent with the best interests of the commonwealth.

However desirable a large debt may be to some government, ours, thanks to the wisdom and virtue of our ancestors, needs no such cement. Ours is a government of consent, in which the people are emphatically sovereign. What may be the situation of the revenue, or the state of the money market, when the time arrives for the payment of our debts, it is impossible to divine. Their discharge may then be required, which may be attended with great sacrifices, and the credit of the state may be much impaired. We have now, gentlemen, a choice of evils, a perpetual debt, or a provision for raising additional revenue. In presenting to you this statement, I have performed a conscientious duty. On you it will now devolve to apply a remedy, or resort to the temporary expedient of annual loans, to supply the pressing necessities of the state.

A judicious revision of the laws relative to county rates and levies, part of the money raised to be applied to the use of the commonwealth, might supply the means of supporting the credit of the state, without materially adding to the burthen of the people.

In conclusion, gentlemen, permit me to hope for a continuance of that harmony which has heretofore existed, and that our common labors may tend to promote the interest and honor of our country.

J. ANDW. SHULZE.

December 9th, 1824.

To the Assembly with Resolutions of the Georgia Legislature Opposing the Ohio Resolutions in Favor of Emancipation, and Certain other Documents.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO you a copy of a letter of the Governor of the state of Georgia, together with a copy of a resolution of the Legislature of said State, disapproving of the resolutions of the state of Ohio, proposing the emancipation of slaves.

I also lay before the Legislature a copy of a letter from Ninian Pinkney, Esq. clerk of the council of the state of Maryland, acknowledging the receipt of certain resolutions of the Legislature of this state, relative to fishing with gill nets.

I further lay before the Legislature a copy of a letter from J. P. De Gruchy, Esq., president of the Northumberland Bridge Company, and also a copy of the accounts of the said company for the year ending May 1, 1824.

J. ANDW. SHULZE.

Harrisburg, January 15, 1825.

DOCUMENTS.

Executive Department,
Georgia, Milledgeville, 22d December, 1824.

Sir—I have the honor to enclose a copy of a resolution recently passed by the Legislature of Georgia, with a request that you will make known the same to the Legislature of Pennsylvania.

With great respect,

Your Excellency's obed't servant,

G. M. TROUP.

His Excellency the Governor of Pennsylvania.

In Senate, 19th November, 1824.

The committee to whom was referred the communication of His Excellency the Governor, and the accompanying resolu-

tion of the Legislature of the state of Ohio, on the subject of the abolition of slavery, having had the same under consideration, ask leave to report:

That the constitutional guarantee made to the states holding slaves, is not less sacred than the obligation imposed by the constitution and laws for the protection of the rights of private property. Such states owe it to themselves to preserve unimpaired those rights, since the causes which extracted the constitutional concession on this subject continue to exist with all their force. Your committee are therefore constrained to view the resolution of the Legislature of the state of Ohio as calculated to infringe the rights of the state of Georgia in common with other states, similarly situated in this particular, and as indelicate in those from whom it emanates. If "the evil of slavery be considered a national one," your committee take leave to refer the Legislature of Ohio to the situation of the country as it was originally settled in the south by our ancestors; and to those circumstances by the force of which slavery in America commenced its existence.

While your committee contemplate with no ordinary emotions the ameliorated condition of the slave in the southern country, they view, with regret, this unnecessary interference on the part of a sister state, so well calculated to excite the anticipations and hopes of the slaves, and to impel him to those acts, which, instead of bettering his condition must augment his misfortunes. Your committee therefore consider the resolution as violative of the true dictates of humanity, and this idea is supported by a contrast of the slave population of the south, with the wretched and miserable condition of the free people of color who crowd the houses of punishment and correction in some of our sister states. If, in the south, they do not revel in liberty, they are at least supplied with the necessary wants of life. Georgia claims the right with her southern sisters, whose situation in this regard is similar, of moving this question when an enlarged system of benevolent and philanthropic exertions, in consistency with her rights and interests, shall render it practicable. Your committee take leave, therefore, to recommend the following resolutions:

Resolved, That the resolutions of the state of Ohio, proposing the emancipation of slaves, passed on the 7th day of January, 1824, be, and the same are hereby disapproved by the Legislature of this state, and that His Excellency the Governor be hereby requested to transmit a copy of this resolution to the Executive of each of the United States.

Council Chamber,
Annapolis, May 23d, 1824.

Sir—I have the pleasure to inform you, by direction of His Excellency the Governor, that your letter enclosing certain resolutions adopted by the Legislature of your state, respecting gill nets, was duly received at this Department, and communicated to our General Assembly at its last session, but owing to the lateness of the period at which it was received, the resolutions contained therein were not acted on.

I have the honor to be,

With great respect,

Your obedient servant,

NINIAN PINKNEY,

Clerk of the Council.

His Excellency the Governor of the commonwealth of Pennsylvania.

Northumberland, 6th January, 1825.

Sir—On this day twelve month, I had the honor to send to your excellency for the information of the legislature, by order of the board of managers of the Northumberland Bridge Company, a copy of the accounts of the company, to the annual time of making them up, viz., the beginning of May.

I have now to enclose for your information, and that of the legislature, the accounts up to the 1st of May last, the period at which we have heretofore made up our annual accounts.

To comply with the intention of the act passed the last session, "relative to Turnpike Road and Bridge Companies," it is intended hereafter to make up the accounts on the first Monday in January in each year.

I am sorry to have to inform your excellency that the toll received from January, 1824, to December last, is less than that received for the year 1823, in the sum of \$341.81: this is owing in a great measure to the low price of country produce in the cities; in consequence of which the number of wagons travelling are diminished, and also to the long season of low water by which the little trade there is, passed under, instead of over the bridge.

It is with pleasure I can inform your excellency, that notwithstanding the failure in the receipts of toll, the board of managers have been enabled this day, to declare a dividend of two per cent. on the capital stock of the company, reduced from \$90,000 to \$80,000. Although they did not heretofore contemplate making a less dividend than three per cent. yet under

the present depressed state of trade, the board has thought it best to make a dividend of what is in the treasury—the fractional balance remaining, will appear in the next account. The proportion of the dividend now declared, belonging to the commonwealth, \$1,000, on its subscription of \$50,000, will be remitted to the State Treasurer by the first safe opportunity. From the time the company was obliged to cease making a dividend, the managers, although not required by law, have annually at this season, sent a copy of their accounts to the Governor for the information of the Legislature—by the late act we find that we shall not have occasion to trouble the Governor hereafter, but that our communication is to be with the “Auditor General.” This shall in future be strictly complied with. The present address to your excellency gives me, however, an opportunity once more to renew to you the respect and esteem with which I have the honor to subscribe myself,

Sir, your excellency’s,

Most obedient,

And most humble servant,

J. P. DE GRUCHY,

President of the N. B. C.

To his Excellency J. And’w Shulze, Esq., Governor of Pennsylvania, &c., &c., Harrisburg.

To the Assembly with the Report of the Commissioners for the Erection of a State Penitentiary at Allegheny.

I HAVE THE HONOR OF TRANSMITTING TO you a copy of the report of the board of commissioners for the erection of a state penitentiary on the public land adjoining the town of Allegheny, opposite the city of Pittsburg.

J. ANDW. SHULZE.

Harrisburg, January 19, 1825.

DOCUMENT.

To his Excellency J. Andrew Shulze, Governor of the Commonwealth of Pennsylvania:

The commissioners for the erection of a State Penitentiary on the public land adjoining the town of Allegheny, opposite to Pittsburgh—respectfully report:

That the expenses of said building for the past year, ending this day, amount to eighteen thousand eight hundred and fifty dollars and twenty-five cents; which, added to the sums previously expended, make the total amount of expenditures one hundred and thirty-one thousand five hundred and fifty-one dollars and sixty-six cents, leaving an unexpended balance of appropriations of eighteen thousand four hundred and forty-eight dollars and thirty-four cents, a sum scarcely sufficient to meet the demands of the ensuing season.

The attention of the commissioners during the past year, has been principally directed to the erection of the cells, of which one hundred and twenty-two have been raised to their contemplated height, and fifty more to the height of six feet; considerable progress has also been made in the carpenter work; and it is believed, that unless some unforeseen delay should occur, a portion of the building may, in the course of the ensuing summer, be prepared for the reception of prisoners. It will be therefore advisable for the legislature, at their present session, to enact a law making provision for the reception of prisoners, and embracing regulations for their government.

By reference to the estimate contained in the last report of the commissioners, it will be seen that the sum of fifty-eight thousand nine hundred and twenty-one dollars and five cents, was supposed to be necessary for the completion of the building—of this amount the legislature appropriated thirty thousand dollars. The experience of the present year has convinced the commissioners that the balance of the last year's estimate will be required to meet the demands of the approaching season.

At the last session of the supreme court of Pennsylvania, at Pittsburgh, in the case of the Western University of Pennsylvania, against William Robinson, Jr., the grant of a part of the public ground to the University, was decided to be invalid, the ground being common appurtenant to the town of Allegheny, and not subject to alienation by the legislature. As the ground on which the penitentiary is erected, is part of that

from which the grant to the University was made, the commissioners deem it their duty to advise the legislature of the fact.

By order of the board of commissioners.

JAMES ROSS,
President of the Board.

Mag's. M. Murray, Clk.

Pittsburgh, January 11, 1825.

To the Senate Transmitting Certain Documents Concerning the Pittsburg and New Alexandria Turnpike.

To William Marks, Esquire,
Speaker of the Senate.

SIR, IN COMPLIANCE WITH THE RESOLUTION of Senate, passed the 15th January, 1825, I have the honor of transmitting to you the accompanying documents containing all the information, in relation to the Pittsburg and New Alexandria turnpike, now in the possession of the Executive.

Very respectfully,

Your obedient servant,

J. ANDW. SHULZE.

Harrisburg, January 26th, 1825.

DOCUMENTS.

Pennsylvania ss.

[Signed] J. Andw. Shulze.



IN THE NAME AND BY THE AUTHORITY of the commonwealth of Pennsylvania, J. ANDREW SHULZE, Governor of the said commonwealth.

To Charles Fullwood and and Thomas Mason, of the county of Westmoreland, and Joseph Vankirk, of the county of Allegheny, Esqrs. sends greeting:



Whereas in and by an act of the general assembly of this commonwealth, entitled "An act to authorize the Governor to take certain measures respecting the Pittsburg and New Alexandria turnpike road," passed the twenty-ninth day of the present month, the Governor is authorised to appoint three commissioners, one of whom to be a practical surveyor, to measure the Pittsburg and New Alexandria turnpike road, and report to him as soon as conveniently may be, the exact length of the said road, made by the said Pittsburg and New Alexandria turnpike road company, commencing at the west end of the bridge at New Alexandria, and ending at the junction of the said road with the Greensburg and Pittsburg turnpike road:

Now know ye, that having full confidence in your integrity and abilities, I, J. Andrew Shulze, Governor of the said Commonwealth, in pursuance of the power and authority to me by law given, as aforesaid, have appointed and by these presents do appoint, you the said Charles Fullwood, Thomas Mason and Joseph Vankirk, commissioners to measure the said Pittsburg and New Alexandria turnpike road, and report to me under oath or affirmation, as soon as conveniently may be, the exact length of the said road made by the said Pittsburg and New Alexandria turnpike road company, commencing at the west end of the bridge at New Alexandria and ending at the junction of the said road with the Greensburg and Pittsburg turnpike road, and to do all other duties enjoined and required of you in and by the said recited act of the general assembly; and to receive and enjoy all the emoluments to you lawfully belonging and appertaining for the faithful performance and discharge of such duties.

Given under my hand and the great seal of the state,
at Harrisburg, this thirty-first day of March, in the
year of our Lord, one thousand eight hundred and
twenty-four, and of the commonwealth the forty-
eighth.

By the Governor:

Molton C. Rogers,
Secretary of the Commonwealth.

Mount Pleasant, 19th May, 1824.

Dear Sir—Inclosed you will find the report of the measured distance of the Pittsburg and New Alexandria turnpike road, together with the account of the commissioners for their services. It is the desire of Mr. Vankirk that the amount should be forwarded to this place—I should be thankful for information of the distance reported by the company of said road, and the amount of appropriation drawn by them.

Yours with esteem,

C. FULLWOOD.

To his Excellency J. Andrew Shulze, Governor of the Commonwealth of Pennsylvania:

The undersigned, commissioners appointed by your Excellency by letters patent under the great seal of the Commonwealth, bearing date the thirty-first day of March, A. D. 1824, to measure the Pittsburg and New Alexandria turnpike road, respectfully report, that we proceeded to perform the said duty, and not being able to procure chain bearers for the price allowed by law, we chained the same ourselves, commencing at the west end of the bridge at New Alexandria and carefully measured and chained the said road to its junction with the Greensburg and Pittsburg turnpike road, the place of ending; and that the said Pittsburg and New Alexandria turnpike road, from the west end of the bridge at New Alexandria to its junction with the Greensburg and Pittsburg turnpike road aforesaid, is twenty-four miles and one hundred and forty perches.—24 miles 140 perches.

Given under our hands and seals, the fifteenth day of May, eighteen hundred and twenty-four.

C. FULLWOOD, L. S.
THOMAS G. MASON, L. S.
JOSEPH VANKIRK, L. S.

Allegheny county, ss.

Personally came before me, a justice of the peace in and for the county aforesaid, Charles Fullwood and Thomas Mason, of Westmoreland county, and Joseph Vankirk of the county of Allegheny, commissioners as stated in the aforesaid report. Who being by me severally sworn and affirmed, depose and say, that the said report is just and true to the best of their knowledge and belief.

C. FULLWOOD,
THOMAS G. MASON,
JOSEPH VANKIRK.

Sworn and subscribed the fifteenth day of May, eighteen hundred and twenty-four, before me,

ARTHUR F. GORE.

Office of the Secretary of the Commonwealth,
Harrisburg, June 10th, 1824.

Sir—I have to acknowledge the receipt of the report of the commissioners appointed to measure the New Alexandria and Pittsburg turnpike road, agreeably to the act of assembly of the 29th of March last, by which report it appears that the length of the road is twenty-four miles and one hundred and forty perches; and by direction of the Governor, I now enclose you a copy of the report made by the company to this office in 1821, stating the road to be 27 miles and 232 perches in length—you will also receive an account of the money paid to the company, at the state treasury, upon warrants drawn by the Governor, upon a calculation of the latter distance—the difference appears to be three miles and ninety-two perches, for which money has been overdrawn.

I have also to inform you that a warrant has been drawn by the Auditor General in favor of three commissioners, naming them, for the whole sum of forty-two dollars, which warrant is now lying in the office of the State Treasurer, payable to the order of the commissioners, which must be forwarded to the State Treasurer before the money can be paid.

I am, sir, respectfully,

Your friend,

JAMES TRIMBLE,
Deputy Secretary.

Charles Fulwood, Esq., One of the commissioners, &c.

Secretary's Office, August 4th, 1824.

Frederick Smith, Esquire, Attorney General:

Sir—In compliance with the directions of the Governor, I have the honor to call your attention to an act of the legisla-

ture, entitled "An act to authorise the Governor to take certain measures respecting the Pittsburg and New Alexandria turnpike," and to the documents herewith enclosed. It will be observed that the commissioners have reported, that the Pittsburgh and New Alexandria turnpike road, from the west end of the bridge at New Alexandria, to its junction with the Greensburg and Pittsburg turnpike road, is twenty-four miles and one hundred and forty perches." It will also be remarked by you, that from the documents, it would appear that warrants have been drawn in their favor for twenty-seven miles, and two hundred and thirty-two perches. You will be pleased to institute such proceedings as may carry into effect the intention of the legislature. In order to facilitate your understanding of this business, I have taken the liberty of stating the dates of the several acts bearing upon this subject—24th February, 1806; 9th March, 1814, page 85; 13th March, 1816, page 125; 26th March, 1821, sect. 3, page 103; 29th March, 1824, page 127. If any additional information in the possession of this office, should be required, you will please let us know it.

Very respectfully,

Your obedient servant,

MOLTON C. ROGERS.

Reading, 12th August, 1824.

Molton C. Rogers, Esquire, Secretary of State:

Sir—Your letter of the 4th instant, was received yesterday, together with the accompanying documents. I will institute the proceedings required by the act of assembly, and directed by the Governor, as soon as I can procure all the requisite information. In addition to the facts which you have communicated, it is desirable to know who applied to the Governor for orders on the treasurer in favour of the Pittsburg and Alexandria company, who received those orders, and who drew the money from the treasury.

It appears that the company in their calculations, assumed the distance between Pittsburg and Greensburg, to be 30 miles, and 160 perches. It may become necessary to know, also, whether that is the true distance, according to the official returns.

At present I am uninformed as to the county in which the president, managers, or any of the officers of that turnpike company reside.

Any information which you may be enabled to furnish touching these points, will be received with due acknowledgments.

I am, sir,

Very respectfully,

Your obedient servant,

FREDERICK SMITH.

Secretary's Office, Harrisburg, August 19th, 1824.

Sir—In answer to your letter dated the 12th instant, addressed to the Secretary of the Commonwealth, I send you the enclosed copies taken from the records of this office, and of the office of the Auditor General of the accounts of the commonwealth, which I hope will be found to contain all the information required by your letter above referred to, relating to the affairs of the Pittsburg and New Alexandria turnpike road company.

The president and managers of the company applied for the money from time to time by their agents, James Murray, John A. Gilchrist and Richard Coulter, who signed receipts for the Governor's warrants on the State Treasurer, and receipted to the State Treasurer for the money.

The distance from Greensburg to Pittsburg does not appear to be matter of record in this office; but it is generally considered and agreed to be thirty miles and one hundred and sixty perches, and upon that distance the official calculations have been made.

I am respectfully,

Your friend,

JAMES TRIMBLE,

Deputy Secretary.

Frederick Smith, Esq., Attorney General of Pennsylvania—
at Reading.

Memorandum of papers transmitted to the Attorney General.

A warrant for \$9,836 and 5 cents, dated August 14th, 1820, receipted for by James Murray.

A warrant for \$6,557 37 cents, dated October 19th, 1820, receipted for by John A. Gilchrist.

A warrant for \$6,557 37 cents, dated March 7th, 1821, receipted for by R. Coulter.

A warrant for \$6,557 37 cents, dated July 16th, 1821, receipted for by John A. Gilchrist.

A warrant for \$6,852 49 cents, dated October 15th, 1821, receipted for by John A. Gilchrist.

The same from the Auditor General's office, as they are filed.

Copy of Thomas Elder's, Attorney General's letter to the Governor—Deposition of Wm. Newlin—Deposition of Jacob Haymaker—Letter of Andrew Gregg, Secretary of State, to the Revd. James Graham—Letter of Jeremiah Murray, to Mr. Gregg.

Reading, January 18th, 1825.

Dear Sir—On the 4th of August, 1824, you did me the honor to communicate to me, the Governor's directions on the subject of the Pittsburgh and New Alexandria Turnpike; and on the 12th August, 1824, I acknowledged the receipt of your favor, and expressed a desire for some further information, before measures were taken on my part to institute suits, agreeably to the directions of the act of assembly passed the 29th of March, 1824, relative to the said turnpike road. Copies of the records I asked for, were sent on to me, by Mr. James Trimble, on the 19th of August, 1824; and after a careful examination of all the documents, depositions, &c., I wrote to John Y. Barclay, the deputy attorney of Westmoreland county, on the 26th of August, 1824, as follows:

“Reading, August 26th, 1824.

“Sir—I transmit to you exemplified copies of certain documents remaining in the offices of the Secretary of the Commonwealth and the Auditor General. By the act of the 29th of March last, pamp. laws, 126, the Governor is authorized to direct the Attorney General to institute a prosecution against all and every person and persons who, upon investigation, shall appear concerned in drawing money out of the treasury on account of the Pittsburgh and New Alexandria turnpike road company, to which that company was not entitled; and is likewise authorised to direct a suit or suits to be brought, to recover back the sum which has been thus illegally drawn. Having received the directions of the Governor, to institute such proceedings as may carry into effect the intentions of the Legislature, I have to request that you will make such further inquiry into the circumstances of this transaction, as your situation may enable you to do, and present the matter to the grand jury of your county. The depositions filed in the Secretary's office, copies of which you will receive among the enclosed papers, implicate two individuals in a conspiracy to defraud the commonwealth—I mean, James Murray and John A. Gilchrist. If, upon inquiry, you think it can be established

that a combination for that purpose was formed between those individuals, or them and others, it will be advisable to indict all who so combined for a conspiracy. But if the plan should appear to have been the contrivance of Gilchrist alone, the indictment would of course be against him, for cheating with false tokens.

"I must also request, that you will bring a suit in the name of the commonwealth of Pennsylvania, to recover back the amount of the money illegally drawn from the state treasury. As the act has given the commonwealth the privilege of joining all persons who may seem to be liable, without danger of abatement, it would perhaps be advisable to sue, together with the president, managers and company of the Pittsburg and New Alexandria turnpike road, John A. Gilchrist, James Murray, and Richard Coulter, Esquire. This is submitted to your discretion.

"The proceedings involve no small degree of responsibility; and you may therefore be desirous of associating with yourself, some of the older and more experienced counsel, practising in your district. The state will doubtless, as it ought to, compensate the gentlemen who may be employed in carrying on these proceedings. No recommendation, on my part, shall be wanting to induce that result.

"Have the goodness to write to me upon this subject."

Thus far my letter to Mr. Barclay, under date of the 2d of September, 1824. Mr. John Y. Barclay wrote to me, that he had received mine of the 26th of August, 1824, covering certain documents relative to the New Alexandria and Pittsburgh turnpike company, and that he would proceed to institute the proceedings directed, against all persons concerned. That agreeably to my suggestion, he had consulted with, I think, A. W. Foster, Esq., of Greensburg, one of their oldest and most eminent practitioners, and had engaged his services and assistance on behalf of the state.

A short time ago, after my return from one of the neighbouring county courts, I received the following letter from Mr. Barclay:

"Greensburg, November 1st, 1824.

"Sir—Since my last letter to you, acknowledging the receipt of the papers relating to the New Alexandria and Pittsburgh turnpike road company, we have brought suit against the company for the recovery of the money, and a suit against James Murray and John A. Gilchrist, and several of those managers of the company, at the time the money was drawn from the treasury, (who by their acts recognized and approved of the trans-

action), for a conspiracy to defraud the state. Mr. Foster, as well as myself, thought this mode of proceeding preferable to an indictment for a conspiracy; which he thinks could not be supported by evidence sufficiently strong to warrant a conviction.

"I have thought proper, however, to inform you of this opinion; and if the act of assembly directing the proceedings, is not imperative on the Executive to institute a criminal prosecution, to suggest to you the propriety of proceeding against the persons implicated, civiliter, merely for the recovery of the money."

"Very respectfully,
Your obedient servant,
J. Y. BARCLAY."

"Frederick Smith, Esq."

This is all the information I at present possess, on this subject. You will find, that by the act of the 29th March, 1824, the Governor is authorized to direct the Attorney General to institute a prosecution against all persons who, upon investigation, shall appear to have been illegally and fraudulently concerned in drawing the money out of the treasury. It appears that, on an investigation, a criminal prosecution, it is feared, cannot be supported. I wish you, therefore, to submit this communication to the Governor, and learn from him, whether we still ought to proceed with a criminal prosecution in this case.

I have the honor to be, dear sir,
Your faithful obedient servant,
FRED'K. SMITH.

Molton C. Rogers, Esq.

To the Assembly Approving a Resolution Relative to
General Lafayette.

Gentlemen—

I HAVE THIS DAY APPROVED AND SIGNED the resolution relative to the reception of General La Fayette, and directed the Secretary of the Commonwealth to return the same to the House of Representatives in which it originated.

J. ANDW. SHULZE.

Harrisburg, January 29, 1825.

To the Assembly Transmitting Certain Documents
Concerning Navigation, Trade and Commerce.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO you, a copy of a letter signed by the Governor of the State of New Jersey, accompanied by a copy of a law of said state, incorporating the Delaware and Raritan Canal Company, with a request, that the legislature of Pennsylvania will co-operate with New Jersey, in the proposed plan of improving and extending the common navigation, trade and commerce of both states.

J. ANDW. SHULZE.

Harrisburg, February 4, 1825.

DOCUMENT.

Elizabethtown, (N. J.), January 11th, 1825.

Sir—In compliance with a resolution of the legislature of New Jersey, I have the honor of transmitting herewith to your excellency, an exemplified copy of a law of this state, recently passed, incorporating the Delaware and Raritan Canal Company, with a request that you will communicate the same to the legislature of Pennsylvania now in session, and to express the earnest desire which is felt by this state, that Pennsylvania will co-operate with New Jersey in the proposed plan of improving and extending the common navigation, trade and commerce of both states.

Mr. Bailey of New York, one of the managers named in the act of incorporation, will have the honor of handing you this communication, and will be able to give any explanation upon the subject of the proposed canal, which may be required.

I have the honor to be,

Your most obedient servant,

ISAAC H. WILLIAMSON.

His Excellency the Governor of Pennsylvania.

To the Assembly with the Action of the New Jersey Legislature Against the Georgia Proposition with Regard to the Importation of Colored Persons into a State and a Letter concerning the Chesapeake and Ohio Canal Company.

Getnlemen—

I HAVE THE HONOR OF TRANSMITTING TO you, a copy of a letter of the Governor of the state of New Jersey, together with a copy of a resolution of the legislature of said state, disapproving of the amendment to the Constitution, proposed by the state of Georgia.

I also lay before the legislature a copy of a letter from the Governor of the state of Maryland, together with a copy of an act of the legislature of that state, entitled "An act to confirm an act of the General Assembly of Virginia, entitled 'An act incorporating the Chesapeake and Ohio Canal Company.' "

Under the act, entitled "An act providing for the appointment of a board of commissioners, for the purpose of promoting the internal improvement of the state, which was passed the 27th day of March, 1824, I appointed Jacob Holgate, James Clark and Charles Treziulney, Esquires, commissioners to view and explore the several routes for a canal from Harrisburg to Pittsburg, by the waters of the Juniata and Conemaugh rivers, and also, the route by the West Branch of the Susquehanna and Sinnemahoning with the waters of Allegheny rivers, and also the country between the Schuylkill and the Susquehanna, through the Great Valley of Chester and Lancaster counties, &c. who having in part executed the trust in them reposed, reported their proceedings to me, which in conformity to the said act, I now lay before the Legislature.

J. ANDW. SHULZE.

Harrisburg, February 8, 1825.

DOCUMENTS.

Trenton, (N. J.), January, 1825.

Sir—I have the honor of transmitting to your excellency, in pursuance of a joint resolution of the two Houses of the Legislature of New Jersey, the annexed resolutions to be laid before the legislature of Pennsylvania.

I am, with great respect,

Sir, your obedient and

Very humble servant,

ISAAC H. WILLIAMSON.

His Excellency the Governor of Pennsylvania.

State of New Jersey.

Resolved, By the Council and General Assembly^d of this state that the amendment to the constitution of the United States, proposed by a resolution of the legislature of the state of Georgia, passed December the twenty-second, one thousand eight hundred and twenty-three, providing that no part of the constitution of the United States ought to be construed or shall be construed to authorise the importation or ingress of any person of color, into any one of the United States, contrary to the laws of such state," be, and the same is hereby disapproved of by the legislature of this state.

Resolved, That his Excellency the Governor be requested to transmit a copy of the foregoing resolutions, to the executive of each of the United States, to be laid before their respective legislatures.

In Council, February 1st, 1825.

Sir—In compliance with a resolution of the legislature of this state, I have to transmit to you, a copy of a law passed at the present session of the general assembly of Maryland, entitled "An act to confirm an act of the general assembly of Virginia, antitled 'An act incorporating the Chesapeake and Ohio Canal Company,'" with a request that it may be submitted to the consideration of the legislature of the commonwealth of Pennsylvania.

With high respect,

I have the honor to be,

Your obedt. servant,

SAMUEL STEVENS.

His Excellency the Governor of the Commonwealth of Pennsylvania.

To the Assembly Transmitting Certain Resolutions of the State of New Jersey Concerning Slavery, and a Letter from one of the Pennsylvania Canal Commissioners.

Gentlemen—

I HAVE DIRECTED TO BE LAID BEFORE YOU, a copy of a letter from the Governor of New Jersey, together with a copy of sundry resolutions of the Legislature of that state, relative to the abolition of slavery in the United States.

I have also directed to be laid before the Legislature, a copy of a letter from Charles Treziyulney, Esquire, one of the board of commissioners appointed, in conformity to the act passed March 27, 1824, for the purpose of promoting the internal improvement of the state—setting forth his reasons for not signing the report of the two other commissioners.

J. ANDW. SHULZE.

Harrisburg, February 10, 1825.

DOCUMENTS.

Trenton, N. J., January 31, 1825.

Sir—In compliance with a joint resolution of the two houses of the legislature of New Jersey, I have the honor of transmitting to your excellency the annexed copy of certain resolutions passed by them at their last session, with a request that you will lay the same before the legislature of Pennsylvania.

I am, with great respect,
Sir, your obedient and
Very humble servant,

I. H. WILLIAMSON.

His Excellency, the Governor of Pennsylvania.

State of New Jersey.

Resolved, by the council and general assembly of this state, that the consideration of a system providing for the gradual emancipation of the people of color, held in servitude in the United States, be recommended to the Legislatures of the sev-

eral states of the American Union, and the Congress of the United States.

Resolved, That, in the opinion of this Legislature, a system of foreign colonization, with correspondent measures, might be adopted, that would in due time effect the entire emancipation of the slaves in our country, and furnish an asylum for free Blacks, without any violation of the national compact, or infringements of the rights of individuals, and that such a system should be predicated upon the principle that the evil of slavery is a national one, and that the people, and the states of this Union, ought mutually to participate in the duties and burdens of removing it.

Resolved, That his Excellency the Governor, be requested to forward a copy of these resolutions to the Executive of each state in the Union, respectively, with the request that they lay the same before the several Legislatures; and that his Excellency will also forward a like copy to each of our Senators and Representatives, in Congress, requesting their co-operation in all national measures, having a tendency to effect the same object embraced therein.

Harrisburg, 9th February, 1825.

Sir—Two of the Commissioners appointed to explore the routes of certain canals, agreeably to the provisions of the act of the 27th March, 1824, have, I understand, made their report to your Excellency. To this report my signature does not appear. When my colleagues brought it to my room, where I was confined by a sever sprain of the ankle, it was proposed by them to read it in my presence; but being unwilling to sign a paper of so much importance to the interest of the state, unless I had an opportunity of a full and satisfactory examination of its contents, it was carried away by them without the subscription of my name.

I had, at that time, in my possession, a map and profile, already executed and finished by me, and signed by all the commissioners, shewing the heights or elevations of the Allegheny mountain, between the east and west ends of the tunnel. This map and profile, with other papers being demanded of me in the name of the Board, were accordingly delivered to them.

If my health continues to improve, and time will permit, it is my intention to lay before your Excellency, previous to the adjournment of the Legislature, a condense statement or report

of all proceedings and observations, as far as I was personally engaged, in all the routes.

With great consideration, I have the
honor to be, Sir,

Your most obed't servant,

CHARLES TREZIYULNEY.

His Excellency, J. Andrew Shulze.

To the Assembly Transmitting a Report from the
Adjutant General.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO the legislature, a copy of a letter from George B. Porter, Adjutant General of the Commonwealth of Pennsylvania, together with a return of the militia, and also the return of the ordnance, camp equipage and military stores, the property of the commonwealth, deposited in the state arsenals and in the several brigades.

J. ANDW. SHULZE.

Harrisburg, February 16, 1825.

DOCUMENTS.

Adjutant General's Office,
Lancaster, February 8th, 1825.

His Excellency J. Andrew Shulze, Governor of Pennsylvania:

Honored Sir—Enclosed you will find a Detailed Report of the Militia and volunteers of the state, together with a return of the ordnance, camp equipage and military stores, deposited in the respective arsenals in the charge of brigade inspectors, and in the hands of volunteers.

It has been to me a subject of much mortification and regret, that this report could not be made sooner. A majority of the brigade inspectors in the state have attended to their duty, and their returns do them much honor. But there are some who seem to be incompetent, and others who have neglected their duty, and whose annual returns required by law, have not been received by me until within the last few days.

The time of my appointment, and this neglect of duty on the part of some of these brigade inspectors in making their returns, I hope will be considered a sufficient reason for the delay in forwarding this report. I shall take care that hereafter my instructions will be attended to, so as to enable me to make my report to you, before the meeting of the legislature.

The detailed report marked No. 1, will exhibit not only the counties forming divisions, but also the names of the major generals, brigadier generals, and brigade inspectors, the regiments in each brigade, the strength of each regiment, brigade and division, with the volunteers in each brigade, whether attached to militia regiments, or organized in battalions or regiments, and the arms in their possession.

The grand total of which is, 162,988, viz:

Governor and Commander in Chief,.....	1
Major Generals,	16
Brigadier Generals,	32
Adjutant General,	1
Staff of General Officers,	162
Infantry (Militia), including officers,	134,337
Volunteer Cavalry (36 Troops),	1,905
Do. Artillery (29 Co's),	1,820
Do. Infantry (226 Co's),	15,340
Do. Riflemen (151 Co's),	9,374
	<hr/> 28,439
	<hr/> 162,988

The volunteers generally, being armed and equipped according to law.

The return, No. 2, is of the ordnance, camp equipage and military stores—the arsenals in which deposited—setting forth the number in each arsenal, as well as in the several brigades, and the condition thereof.

Since the last report of the late Adjutant General, it would appear from the books of this office, and the reports made to me by the keepers of the arsenals, that there have been issued to volunteers, 1,851 muskets.

There have been several requisitions for muskets in the eastern part of the state, which it is not in my power to satisfy, as there are none in good order in the arsenals at Philadelphia or Harrisburg. At a small expense, about 500 in the former arsenal, and perhaps 1,000 in the arsenal at Harrisburg, might be repaired. I would therefore respectfully suggest the

propriety of an appropriation by the legislature for this purpose. The companies without arms are very impatient, and some of them will probably be dissolved, if they are not soon furnished with muskets.

Exclusive of these arms, it will be seen by an examination of the return No. 2, that there are many others in the arsenals wanting repairs, and a considerable quantity of public property in bad order. The camp kettles are corroding with rust; the cartridge boxes, belts, bayonet scabbards, &c., &c., should be oiled, and all the articles overhauled. By a small appropriation of money, much valuable property might be materially improved, if not saved from destruction.

I would also beg leave to suggest the necessity of some alteration and repairs in and about the arsenal at Philadelphia. The tents and other perishable property, should be frequently aired—at least once per year. At present, the doing of this is attended with considerable expense, trouble and risk, as the articles have to be taken out of the building. All this could be done in the upper story of the arsenal, if dormer windows were constructed. There is also a frame building in the arsenal yard, which needs repairs. It was erected during the late war, and is useful as a store house, and carpenter's shop for making boxes for the transportation of arms and military stores, on requisitions from the different counties. The wall near the arsenal should also be made higher, and the pavement laid. The expense of all this, viz: constructing ten dormer windows on the arsenal, roofing and flooring the frame building in the yard, raising the wall near the arsenal, and laying the pavement, would not, I suppose, exceed eight hundred dollars.

There are also some repairs wanted to secure the foundation walls of the arsenal at Harrisburg. A view of the ground, water spouts, &c., in the rear of the building, will be conclusive of the necessity of immediate attention to it.

In conformity with the provisions of the 52d section of the militia law, my predecessor published abridged systems of discipline for infantry and riflemen, which (with some cavalry discipline he procured) were distributed as provided for in the law. I am sorry that the law will not permit me to furnish each adjutant of a regiment, and each general staff officer, with a copy. No abridged system for the instruction and discipline of artillery, (as provided for in the law), could be procured. The last and most approved treatise, and which is adopted by the United States, is that of General Hallemand. But there

is no abridgment of it. The necessity of furnishing the artillery with a system of discipline and instruction, must be obvious. The management of a piece of ordnance requiring so much science, depending on rules adopted as the result of actual experiment, cannot be had by intuition. I therefore respectfully urge the necessity of furnishing to each company of artillery, a copy of this entire work—or, that provision be made by law, for the publication of an abridged system of artillery, to contain a complete nomenclature, accompanied with plates—rules for the manoeuvring and exercise of field artillery, with the manual of the piece, including the formation and march of the column—the wheelings into line, and into battery—the evolutions and school of the battery, and a correct system of the art of firing—with tables of elevation—range and graze, suited to our medium six pounders and other field guns. It is also suggested, whether some provision ought not to be made for experiments; for it is only in this way that men can be made to see and know the effect of the rules of projectiles. A few cannon shot, which can be had at a small expense, would, with a little care, serve a piece for years. The expense of powder is also heavy for artillery companies to bear.

It is also worthy of consideration, whether more than one gun should not be allowed to each company of Artillery. Very few men are absolutely necessary to the piece. The rest are armed with muskets, trained as infantry, and become less ambitious to excel in the use of the cannon. Besides all this, it is impossible to manoeuvre as well with one piece as with two. If the objection to this be the expense, it must be recollected that here is not so much loss to the state in cannon as in muskets—the latter is never brought back fit for actual service—the former may be—cannon are not easily injured; and if some provision were made for houses to put them in, the wood work would be preserved, and thus the piece could be produced in good order, at any time she might be wanted.

Several new companies of artillery are formed, and will need field pieces, which it is not in my power to furnish, and suppose they could be had from the United States, in lieu of muskets.—I would therefore recommend that provision be made for procuring some pieces of artillery, to be accounted for in receiving the quota of arms to which the state may be entitled, from the general government.

After much observation and reflection I am induced to believe that it would be advantageous to volunteers, if their uniform and equipments were prescribed by law, so that the

uniform of all companies of the same kind of force should be the same. It would not be proper to apply this to volunteers companies now organized, but that hereafter all new companies, and after a certain time, the troops and companies now existing, should conform to this provision. The advantage of this change in the law would be that there would be many more volunteers—many, especially young men who have no stated residence, would become members of volunteer companies, knowing that on leaving one company they could, with the same uniform, join another. And when several companies would be assembled for parade, or called into actual service, instead of exhibiting as they now do, a studied variety, they would be uniform.

I have the honor to be,
Very respectfully,

G. B. PORTER,
Adj't. Gen. of Penna.

To the Assembly with Resolutions of the Indiana Legislature Opposing the Georgia Proposition with Regard to Importation of Colored Persons into the Several States.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO you a copy of a letter of the Governor of the state of Indiana, together with a copy of a resolution of the legislature of said state, disapproving of the amendment to the constitution, proposed by the state of Georgia.

J. ANDW. SHULZE.

Harrisburg, February 22, 1825.

DOCUMENTS.

Executive Department,
Indianapolis, February 5, 1825.

Sir—I have the honor herewith to enclose you a copy of a resolution recently passed by the legislature of Indiana.

With great respect,
Your obedient servant,

WILLIAM HENDRICKS.

His Excellency the Governor of Pennsylvania.

A Joint Resolution,

Disapproving the amendment proposed by the state of Georgia to the United States, on the subject of the ingress of people of color, into the several states of the union.

Resolved, by the General Assembly of the state of Indiana, That it is inexpedient to make the amendment to the constitution of the United States, as proposed in the resolution of the General Assembly of the state of Georgia, adopted on the twenty-second day of December, eighteen hundred and twenty-three; and that his General Assembly do hereby disapprove of the same.

Resolved, That his Excellency the Governor of this state, be, and he is hereby requested to transmit a copy of this resolution to each of the executives of the several states in the Union, and to each of our senators and representatives in congress.

To the Assembly Transmitting a Report of One of the Pennsylvania Canal Commissioners.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO you the report of Charles Treziyulney, Esquire, one of the board of commissioners appointed in pursuance of the act of the 27th of March, 1824, entitled "An act providing for the appointment of a board of commissioners for the purpose of promoting the internal improvement of the state."

J. ANDW. SHULZE.

Harrisburg, February 23, 1825.

[Report omitted.]

To the Assembly Transmitting Certain Resolutions of the Legislature of Indiana Concerning Slavery, and a Letter from the Governor.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO you a copy of a letter of the Governor of the state of Indiana, together with a copy of certain resolutions of the legislature of said state, approving of, and

cordially concurring in the resolutions of the state of Ohio, respecting the gradual emancipation of slaves, and colonization of people of color, within the United States.

J. ANDW. SHULZE.

Harrisburg, March 2, 1825.

DOCUMENTS.

A Joint Resolution,

Respecting the gradual emancipation of slaves, and colonization of the people of color within the United States.

Whereas, the General Assembly of the state of Ohio did, at their session, in one thousand eight hundred and twenty-four, adopt the following resolution, and request the concurrence of the several states of the union therein, to wit:

"Resolved by the General Assembly of the state of Ohio, That the consideration of a system providing for the gradual emancipation of the people of color, held in servitude in the United States, be recommended to the legislatures of the several states of the American union, and to the congress of the United States.

"Resolved, That in the opinion of this General Assembly, a system of foreign colonization, with correspondent measures might be adopted, that would in due time, effect the entire emancipation of the slaves in our country, without any violation of the national compact, or infringement of the rights of individuals, by the passage of a law by the general government with the consent of the slave holding states, which should provide that all children of persons now held in slavery, born after the passage of such law, should be free at the age of twenty-one years, being supported during the minority, by the persons claiming the services of their parents, providing they then consent to be transported to the intended place of colonization. Also,

"Resolved, That it is expedient that such a system should be predicated upon the principle that the evil of slavery is a national one; and that the people and the states of this union, ought mutually to participate in the duties and burdens of removing it."

Therefore,

Resolved, by the General Assembly of the state of Indiana, That we do approve of and cordially concur in the aforesaid

resolutions of the state of Ohio, and that his excellency the Governor be requested to communicate the same to the executive of the several states in the union, and each of our senators and representatives in congress, requesting their co-operation in all national measures to effect the grand object therein embraced.

Executive Department,
Indianapolis, February 8, 1825.

Sir—In obedience to the foregoing, I herewith forward you a copy of a joint resolution of the legislature of Indiana, respecting the gradual emancipation of slaves, and colonization of people of color within the United States; and

I have the honor to be,

Very respectfully,

Your obedient servant,

WILLIAM HENDRICKS.

His Excellency the Governor of Pennsylvania.

To the Assembly Transmitting Certain Legislative Documents of the State of Mississippi Concerning Slavery.

Gentlemen—

I HAVE THE HONOR TO LAY BEFORE THE legislature copies of letters from the Governor of the state of Mississippi, accompanied by documents, the import whereof is as follows, viz:

A resolution by the legislature of that state, agreeing to a resolution of the state of Georgia, proposing an amendment to the constitution of the United States, relative to the ingress of people of colour.

A non-concurrence by that legislature of a proposition by the legislature of the state of Ohio, proposing a plan for the emancipation of slaves.

J. ANDW. SHULZE.

Harrisburg, March 7, 1825.

DOCUMENTS.

Jackson, February 7, 1825.

Dear Sir—I have the honor to transmit to you herewith, a copy of a resolution of the general assembly of the state of Mississippi, disagreeing to the resolution of the state of Ohio, proposing a plan for the emancipation of slaves in the United States, which your are requested to lay before the legislature of the state over which your preside, at their next session.

I have the honor to be,
Sir, your Excellency's
Obedient servant,

WALTER LEAKE.

His Excellency the Governor of Pennsylvania.

A Resolution

Disagreeing to a resolution from the state of Ohio.

Resolved, by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, That the state of Mississippi does not concur in the resolution from the state of Ohio, proposing a plan for the emancipation of slaves in the United States.

Resolved, That his excellency the Governor, be requested to forward a copy of the foregoing resolution to the Governors of the different states, requesting them to lay the same before the legislatures thereof.

Resolution.

Resolved, by the Senate and House of Representatives of the state of Mississippi in General Assembly convened, That the legislature of the state of Mississippi concur in the amendment to the constitution of the United States, proposed by the legislature of the state of Georgia, which is in the following words to wit: "That no part of the constitution of the United States ought to be construed, or shall be construed, to authorize the importation or ingress of any persons of colour into any one of the United States, contrary to the laws of said state."

Resolved, That his excellency, the Governor, be, and he is hereby requested to communicate this resolution to the Governors of the different states, with a request that the same may be submitted to their respective legislatures, and that he do also communicate the same to our senators and representatives in congress.

Jackson, February 4, 1825.

Dear Sir—I have the honor to transmit to you herewith, a copy of a resolution of the General Assembly of the state of Mississippi, approving the resolution from the state of Georgia, proposing an amendment to the constitution of the United states, in relation to the ingress of persons of colour, which you are requested to lay before the legislature of the state over which you preside at their next session.

I have the honor to be, sir,

With high consideration,

Your Excellency's obdt. servant,

WALTER LEAKE.

To the Assembly Transmitting Certain Resolutions
of the State of Missouri Concerning Slavery.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO you a copy of a letter from the Secretary of State of Missouri, together with a copy of certain resolutions of the legislature of said state, viz.

A resolution by the legislature of that state, agreeing to a resolution of the state of Georgia, proposing an amendment to the constitution of the United States, relative to the ingress of people of colour.

A non-concurrence by that legislature of a proposition by the legislature of the state of Ohio, proposing a plan for the emancipation of slaves.

J. ANDW. SHULZE.

Harrisburg, April 8, 1825.

DOCUMENTS.

Executive Department,
St. Charles, March, —, 1825.

Sir—By the direction of the Governor of this state, I have the honor of transmitting to your excellency, the annexed reso-

lutions, and of requesting that the same may be laid before the legislature of Pennsylvania.

I have the honor to be,

Your excellency's obedient servant,

HAMILTON R. GAMBLE.

His Excellency the Governor of Pennsylvania.

The State of Missouri.

Resolved by the Senate and House of Representatives of the state of Missouri, That they do concur in the amendment proposed by the state of Georgia to the constitution of the United States, passed the twenty-second day of December, eighteen hundred and twenty-three, in the words following, viz:

"That no part of the constitution of the United States ought to be construed, or shall be construed, to authorize the importation or ingress of any person of color, into any one of the United States, contrary to the laws of such state."

Resolved by the Senate and House of Representatives of the state of Missouri, That this state does not concur in recommending to the legislatures of the several states, or the congress of the United States, the measures proposed by the resolutions of the legislature of the state of Ohio, passed the seventeenth day of January, eighteen hundred and twenty-four.

Resolved, That the Governor of this state be, and he is hereby requested to communicate these resolutions to the executives of the different states, and request that the same may be submitted to their respective legislatures.

Proclamation of Reward for the Apprehension of
Jacob Habenstein, charged with the Murder of
Abraham Merkel.

Pennsylvania ss.

[Signed] J. Andw. Shulze.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By J. ANDREW SHULZE, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas, I have received authentic information that Abraham Merkel, late of the county of Schuylkill in this Commonwealth was lately barbarously and cruelly murdered by a certain John Habenstein of the said county, who having been apprehended and charged with the commission of the said crime, did on the twentieth day of the present month escape from the prison of the said county, and is now a fugitive from justice: And Whereas the reputation of the Government, the peace and security of its citizens, and the obligations of justice and humanity require that the perpetrators of offenses so atrocious should be brought to condign punishment: I have therefore thought proper to issue this proclamation, hereby offering a reward of one hundred dollars to any person or persons who shall apprehend and secure the said John Habenstein in any jail within fifty miles of the place where the said murder was committed; and the further sum of one hundred dollars in addition to the first mentioned sum if he shall be apprehended and secured in any jail of this Commonwealth at any greater distance than fifty miles

from the place aforesaid; which sum, or sums, are to be paid on his being convicted of the said crimes: And all judges, justices, sheriffs, coroners, constables and other officers within this Commonwealth, according to the duties of their respective offices, are hereby required and enjoined to be attentive and vigilant in enquiring after and bringing to justice the perpetrator of the crime aforesaid.

Given under my hand and the Great Seal of the State at Harrisburg, this twenty-fourth day of September, in the year of our Lord one thousand eight hundred and twenty-five, and of the Commonwealth the fiftieth.

By the Governor.

Molton C. Rogers,

Secretary of the Commonwealth.

John Habenstein, who is charged with the murder of Abraham Merkel, and escaped from prison as aforesaid, is between 21 and 23 years of age, about five feet seven or eight inches high, has light sandy hair, a down look, a Roman nose, and his forehead marked by the explosion of gunpowder. He had on when he went away and made his escape, checked pantaloons, yellow striped vest, a worn fur hat and coarse shoes much worn; he is fond of liquor, a cooper by trade, and speaks German and a little broken English.

Proclamation Declaring the Election of Robert Orr,
Jr. as a Representative of this State in Congress.

Pennsylvania ss.

[Signed] J. Andw. Shulze.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By J. ANDREW SHULZE, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas, by a return duly made by the judges of a special election held in the sixteenth congressional district of this Commonwealth, composed of the counties of Allegheny, Beaver, Butler and Armstrong, on Tuesday, the eleventh day of October last, under the authority of an act of the General Assembly, passed the eighteenth day of February, one thousand eight hundred and five, it appears that Robert Orr, Junior, was duly elected to serve as a representative of this State in the House of Representatives in the Congress of the United States, to supply the vacancy occasioned by the resignation of James Allison, Esquire, of his seat in the said House: And Whereas, in and by one other act of the General Assembly, passed the second day of April, one thousand eight hundred and twenty-two, it is made the duty of the Governor, on the receipt of the returns of such elections, "to declare by proclamation the name or names of the person or persons returned to him as duly elected in each respective district:" Now therefore, I have issued this proclamation, hereby publishing and declaring that the said Robert Orr, Junior, is duly elected and chosen as a representative of this

State in the House of Representatives in the Congress of the United States, during the remainder of the time for which the said James Allison was elected to serve.

Given under my hand and the Great Seal of the State at Harrisburg, this seventeenth day of November, in the year of our Lord one thousand eight hundred and twenty-five, and of the Commonwealth the fiftieth.

By the Governor.

Molton C. Rogers,

Secretary of the Commonwealth.

Annual Message to the Assembly—1825.

Fellow Citizens—

IT IS ONE OF THE WISE AND SALUTARY PROVISIONS of our excellent forms of government, that the representatives of the people annually elected, shall annually assemble, from all the sections of our various commonwealths, bringing with them to the seat of government a knowledge of the wants and wishes of their constituents. On these interesting occasions, it is made the constitutional duty of the governor of this commonwealth "to give to the general assembly, information of the state of the commonwealth, and recommend to their consideration, such measures as he shall judge expedient," upon which recommendations, the representatives of the people take such order as their wisdom and knowledge shall deem most proper. In obedience to this constitutional injunction I now address you. Before entering upon what may be regarded as my more proper, peculiar and public province, I may be permitted, so far to gratify my own feelings as to express the pleasure I feel at your being thus promptly assembled, in good health. While I tender my congratulations on the enjoyment of this inestima-

ble blessing, I would take occasion to assure you of my ardent and anxious desire cordially to co-operate with you in the adoption of such measures as shall promise to improve the state or promote the happiness of our constituents.

It is, fellow citizens, our good fortune to be members of a young, vigorous and prosperous confederacy, in the enjoyment of more of the rights of man and the means of happiness than have fallen to the lot of any other people in any age of the world. We are, indeed, the admiration, if not the envy, of the most enlightened portions of mankind. We know and feel and I humbly trust are truly grateful to God, for the many and distinguished gifts we enjoy, and desire that they may extend themselves over the whole human family. They have our fervent wishes that they may speedily attain and profit by the exercise of those rights which we feel to be the foundations of our prosperity and happiness.

The effects of the new tariff have been sufficiently ascertained to show, that while they tend to increase the consumption of American manufactures they will also aid to pay off the remanant of our greatly diminished debt, and put the nation in such an armour and attitude as shall deter others from violating our rights, yet not tempt us to violate the rights of others. At peace with all the world, happy at home and respected abroad, what have we to do but to be thankful to the giver of every good and perfect gift, and adhere closely to the principles and policy which have thus elevated us in the scale of nations. While we proudly dwell on our own enviable lot and rejoice at the independence and freedom achieved by our sister republics of South America, may we not be permitted sincerely, to mourn over the sacrifices and sufferings of the struggling Greeks. How can we but mourn when we see the posterity of mighty nations, the descendants of a great and free people, bleeding under the heavy yoke of one

of the most ferocious and barbarous among the races of men! How can we see the naked scimitar of the Mussulman, the Pagan and the Infidel descending upon the neck of a christian people without our deepest sympathies being excited and offering up, in their behalf, a fervent prayer to him who guided our fathers through the gloomy periods of our glorious revolution.

For our particular state we have abundant cause to be thankful to the god of harvest for the liberal supply of all the productions of the earth, even when the hopes of the husbandman had pined and almost perished under the long and severe drought of the summer. Our barns, and our barn-yards are plenteously filled, and our sources of wealth are annually presenting themselves. Our woolen manufactures are already so extensive as not only to consume all the raw material grown within our borders and demand supplies from other states, but also annually to work up much foreign wool. Thus do our manufacturers aid our farmers. Our cotton manufactories profitably spread themselves on every side, while our breweries and distilleries have become immense consumers of the super-abundant grain and fruits of the earth. Beneath its surface we have found inexhaustable stores of iron ore and coal, which are finding their way to market, to an extent hardy credible and yet in demand wherever offered for sale. It is not in human ingenuity to devise, or human foresight to calculate, the infinite variety of way, or the prodigious extent, to which those valuable substances will be made to contribute to the wealth, the greatness and happiness of Pennsylvania. The improvements and facilities which industry and capital are giving to intercourse by land and water will wonderfully quicken and increase the consumption of those precious gifts of nature and in a thousand other ways enrich the commonwealth.

The Schuylkill navigation, I am gratified to say.

has been so far completed, that that beautiful, and heretofore, as a means of communication, almost useless river, is now, partially covered with arks, rafts and boats of various descriptions and sizes, interchanging the riches of our mines and the productions of our soil for manufactures and other comforts and conveniencies of life. When the genius of Fulton, assisted by industry and a judicious application of capital, is seen to stem the wildest of our mountain torrents and make it subservient to the uses of man, what may we not hope for our beloved and highly favored country!

The Union canal company are, as their report will show in detail, actively, industriously, and I have reason to believe, skilfully, laboring to mingle the waters of the Susquehanna with those of the Schuylkill. What a revolution will be effected by that event! It will, if I may so express myself, transport the Susquehanna and its branches and those of its tributary streams, and with them one-third of our whole population, so near to the best market that the fruits of their labor, by being within the reach of the consumer, will command much higher prices than at present.

In a short time also, we may expect to see the clear waters of our mighty river, after having drained and fertilized millions of acres finding another outlet to the ocean through the Chesapeake and Delaware canal. Here again busy and prosperous scenes open to our view, but here they are not bounded, for we have yet another water navigation, of no mean extent or importance. The river Lehigh, under the guidance of genius and patient industry promises to pour a flood of wealth into that section of Pennsylvania.

The extent and importance of the trade of the Susquehanna, renders, at all times, an improvement of its waters, an object of great interest. From information, derived from gentlemen, whose opportunities of judging entitle their opinion to great weight, I have

the satisfaction to state that the money appropriated, to removing the obstructions, in this river, have, so far, been faithfully and judiciously expended, a detailed statement of which, with the operations of the commissioners will appear from the report herewith transmitted.

I cannot here forbear, noticing with commendation, the spirited efforts, now making to navigate the Susquehanna, by means of steam power, an improvement destined at no distant day, to effect a complete revolution in the ascending and descending navigation of this noble and beautiful stream.

And whilst the rivers of the east, are receiving the fostering aid of an enlightened legislature, the important streams of the west, the Ohio, Monongahela and Allegheny, are becoming more and more useful to our fellow citizens on their borders. The enlightened policy of a wise legislature, will always regard with attention, those avenues for the trade of our enterprising citizens.

With these important water communications fast completing and their advantages becoming more and more apparent, our citizens extend their views and manifest their desires that the waters of Lake Erie, the Ohio and Allegheny should be made to flow thro' the whole state and connect all its parts yet more intimately than they have heretofore been connected. These, my fellow citizens would be mighty and most desirable works. The inequalities, however, of our land and other natural obstructions in Pennsylvania not existing where the canal passes in the state of New York, would, in all probability, make the expense of effecting such water communications, much greater with us than it was in that great, and I rejoice to add, prosperous republic. Desirable as it is to facilitate intercourse between all parts of our commonwealth, and to do it speedily, still this desire will not induce

the representatives of a prudent people to engage in such great enterprizes without having before them all the information and the knowledge which are essential to entering upon and completing the works in the best, most durable, and most economical manner. Experiments, upon a great scale, are now making in England as to the relative and comparative expense and advantages of canals and railways, and it will be for you, deliberately, to examine and weigh the results of these experiments before you finally determine upon any mode which hereafter may not, under all circumstances be found to embrace the best interest of our country. In estimating those various interests, you will take care to have all the information attainable as to the best routes and the consequences likely to result from the employment of large quantities of the great natural productions of our state in the construction of the works by which those routes shall be improved.

In accordance to an act of assembly, passed April 11, 1825, entitled "An act to appoint a board of canal commissioners," five gentlemen have been selected and appointed by the governor, whose educations, pursuits and opportunities, it is believed, eminently qualify them for the discharge of the various duties imposed upon them, by this act. From them the general assembly may soon hope to receive a report which will shed much light on the subject which now most engages public attention, and exhibiting such facts and information as to the best routes as their labors may have enabled them to collect. Without, in any manner, presuming to anticipate, or remark upon, the report which will be made, it is believed to be strictly within the line of the governor's duty to suggest the advantages to be gained by waiting for full and perfect information before any irretrievable steps shall be taken in the great works which the state contemplates and will ere long undertake.

It is natural that ever citizen, and still more, every public functionary, should feel anxious to adopt a right course, when the commonwealth is about to engage in works which will require much time, millions of money and the labor of many thousand hands; I trust, therefore, that I shall be excused if an over anxiety for the public weal and a judicious expenditure of the public money, should tempt me to be too diffuse in relation to the projected lines of communication, between our eastern and western boundaries. A preliminary of infinite importance is a careful inquiry into the state of our finances and our means fully to accomplish what we are about to undertake.

Large sums appropriated under former administrations, have in the last year, been drawn from the public treasury. And although the aggregate revenue of the commonwealth has increased, yet as a diminution has been experienced in more than one department of the government, but particularly in that of the land office, a strict examination into the state of our finances and a prudent and rigid economy in its expenditure would well become us as public agents. Convinced as Pennsylvania always has been of the value of state rights and determined to protect them, while she would avoid all infringements on the rights of the general government, it may not be deemed improper to remark, that at a time when the abundant revenue of the United States government is enabling it rapidly to discharge all its obligations, it would be but sound policy in the state government to take especial care that they do not involve themselves in debt, without at the same time providing for its gradual redemption, which, by any unforeseen hereafter chance might compromit their rights or endanger any portion of their sovereignty.

For some months the public mind of our state has been seriously and healthfully exercised. A most important question has been discussed and acted upon

with a moderation, a liberality and temperance, creditable to our population. The constitution of Pennsylvania, which in peace and in war, for thirty five years had shielded our rights, promoted the prosperity of the commonwealth and the happiness of its citizens being supposed to have had engrafted upon it some principles not in accordance with the public sentiment, it was thought wise and prudent, by a majority of the last general assembly, to test its standing in public opinion and ascertain, by a vote of the people, whether it should or should not be submitted to a convention to undergo such alterations and amendments as time and experience should have suggested. In this appeal to the sober judgment and sound principles of our fellow citizens, I felt it my duty to acquiesce, and without hesitancy, signed the bill which was to put the question for or against a convention, to the vote of those who were most deeply interested in the issue, and in the wisdom of whose determination, I, in common with the other instituted authorities was ready and willing to submit. The question has been put and answered. The constitution has passed the ordeal of public opinion. A large majority of the voters have declared against a convention. While we, as in duty bound, bow to the sovereign will, fully and fairly expressed, let us redouble our efforts so to administer the several provisions of the constitution as to cause it to shed additional blessings upon the community and give additional protection to the rights of the people. The cool and dispassionate manner in which the merits of a question, so vitally important, was discussed while it evidences the intelligence and sober mindedness of the people, gives a sure pledge of the permanence of our written constitution—an improvement in the science of government for which the human race are indebted to the United States.

One of the most wholesome injunctions of the constitution has I fear been too much neglected. "Every

man, says that instrument, for an injury done him in his lands, goods, person or reputation shall have a remedy by the due course of law and right and justice be administered without sale, denial or delay." Has this provision of the constitution been carried into full effect, or has it been too much of a dead letter? Is justice promptly administered? Had not former legislatures extended the jurisdiction of magistrates, so as to enable them to determine an immense number of all the questions litigated in Pennsylvania, the streams of justice might have become stagnant. Would that the wisdom of the present general assembly could devise some remodelling, some new division or organization of the powers of the judiciary that would facilitate the despatch of public business. Many and loud are the complaints which reach the executive on this subject, and most happy shall I be to give my ready assent to any plan the legislature may devise promising a more prompt administration of justice. In maturing such a system the necessity of a more numerous and widely diffused supreme court cannot fail to present itself. While on this topic, I would recommend a thorough revision and consolidation of the laws, rules, and practice which prevail in the several orphans' courts in this commonwealth. Their decisions are now in many cases conclusive and binding on property to an incalculable extent—how important then is it that those decisions should be governed by the same principles.

It is also known that in different counties various rules and practices prevail in the settlement of the accounts of executors and administrators. Laws judiciously regulating these matters would be of incalculable benefit to the commonwealth. To make them greatly and uniformly beneficial, they should strictly detail and enforce the duties of the several officers by whom they shall be directed to be carried into effect,

and impose adequate penalties for neglect and non-performance of duty.

Under the act of March 21, 1825, entitled "An act to authorize the appointment of commissioners to investigate the causes of pauperism within the city and county of Philadelphia," nine gentlemen were promptly appointed. From them no report has been received. It will be an object of great consequence to the welfare of the people, to collect such facts, in relation to this interesting subject as shall hereafter enable your successors, to legislate upon with the best lights which can be obtained. Pauperism naturally leads to a consideration of our penitentiary system, and I would again respectfully, yet very earnestly, press upon you a thorough revision of our whole criminal code. It would be well to inquire whether the best means have been adopted to ensure the arrest, the speedy trial and conviction of offenders, and to graduate the punishment to the offence. The large buildings erecting, in pursuance of acts of assembly, in the vicinity of our eastern and western capitals, afford such ample means to test the effects of solitary confinement and hard labor that it is greatly to be desired such regulations and discipline may be adopted, as shall most effectually tend to benefit society by the reformation of the criminals. The young convicts are, it is feared, provided for with too little care. They are, in an especial manner, entitled to the watchful superintendence of a paternal legislature. From the best information I have been able to obtain, I am led to believe that some of the penitentiaries of our sister states, are so economically and judiciously conducted that the labor of the convicts yield a profit to the state. It would be well, diligently, to inquire into the principles, discipline, and manner in which those prisons are governed that we might adopt in Pennsylvania, whatever is good, and embody it in our laws before our new state penitenti-

aries shall be finally organized and in complete operation. In the detail of a plan to govern our penitentiaries, it is exceedingly desirable that such principles and rules be adopted, and such a system of keeping the accounts of the individual prisoners, as shall deeply impress them with the justice of the government, and prevent any jealousy or dissatisfaction from growing up in our counties against our cities respecting the expense and labor of the prisoners.

To carry into effect, the provision of an act, entitled, "An act authorising a loan," passed the eleventh day of April, one thousand eight hundred and twenty-five, advertisements were inserted in the different newspapers of the city of Philadelphia, requesting those who were desirous of loaning money to the state, to forward their proposals to the office of the secretary of the commonwealth, on or before the first day of June. The proposals of the Bank of Pennsylvania, being the most favorable, and such as was believed to be advantageous to the commonwealth, the whole amount, one hundred and fifty thousand dollars, was awarded to them at an interest of five per cent. the state receiving a premium of three thousand seven hundred and fifty dollars. The interest on the stock to commence on the days when the money was placed to the credit of the commonwealth on the books of the bank of Pennsylvania, which it was agreed should be as follows, viz: 50,000 dollars, on the first day of July, 50,000 dollars, on the first day of September, and 50,000 dollars on the thirty-first day of December. Before entering into the contract, it had been ascertained from the state treasurer, that the moneys would be wanted to meet the demands against the state in the proportions, and at the time above specified.

I have the honor to transmit for your consideration, a resolution of the chamber of commerce of the city of Philadelphia, relative to an application made to the

congress of the United States, for the construction of a break-water in the Delaware bay. The utility of the work in preserving the valuable lives of our fellow citizens, not only of this, but of every commercial state in the union, and of a large amount of property, is so manifest, that I have no hesitation in believing that no efforts will be wanting on your part to effect this desirable object.

There are many, and without doubt, important subjects overlooked, or not touched in this communication, I do not therefore, fear that the public interest will be effected or any thing left undone, the doing of which would promote the general welfare. You, my fellow citizens, come from every section of the commonwealth, enjoying the confidence of the people, and selected by them as their law-givers, nothing, therefore, desired by them, or any portion of them, is likely to be unknown to you, and I feel assured that you will zealously promote the interest of those, who have confided in your talents and integrity, and that in so doing, you will improve the condition of the commonwealth. It will give me particular pleasure to co-operate with you in all measures which shall promise the advancement of the public interest and the happiness of our fellow citizens. It is with great truth and satisfaction I declare that such is my confidence in the wisdom and patriotism of the general assembly, that I do not presume any other measures than those which will promote the welfare of the commonwealth, will receive the stamp of their approbation. May your session gentlemen, be harmonious, and your acts approved by your constituents:—Next to an approving conscience, nothing on earth is more desirable than the approbation of a free, an intelligent and patriotic people.

J. ANDW. SHULZE.

December 7, 1825.

To the Cashier of the Bank of Pennsylvania Accepting a Loan for the Use of the Commonwealth.

Harrisburg, June 1, 1825.

Sir—

UNDER THE ACT OF ASSEMBLY OF 11TH April last, I accept your offer in behalf of the bank of Pennsylvania, to lend the commonwealth one hundred and fifty thousand dollars, and to receive therefore negotiable certificates of stock, bearing an interest of five per cent. per annum, payable half yearly at the bank of Pennsylvania, which stock will be redeemable by the state at any time after the first day of January in the year 1840, and for this stock you are to pay a premium of $2\frac{1}{2}$ per cent. amounting to 3750 dollars. The interest on the stock will commence on the days when you shall place the money to the credit of the commonwealth, in the bank of Pennsylvania, which it is agreed shall be as follows, viz: 50,000 dollars on the first day of July next, 50,000 dollars on the first day of September next, and 50,000 dollars on the thirty-first day of December next.

I am, sir, respectfully,

J. ANDW. SHULZE.

E. Chauncey, Esquire,

Cash'r of the bank of Penn'a.

To the Assembly with Resolutions of the Legislature of Connecticut, Delaware and Illinois Concurring with the Legislature of Ohio on the Slavery Question; also Resolutions of Connecticut and Delaware Disapproving of the Georgia Proposition as to Importation of Colored Persons, and Papers Relating to the Chesapeake and Ohio Canal.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO you, copies of letters of the Governors of the states of Connecticut, Delaware and Illinois, together with copies of certain resolutions of the legislatures of said states, approving of and concurring in the resolutions of the state of Ohio, respecting the gradual emancipation of slaves, and colonization of people of colour within the United States.

Also copies of letters of the Governors of the states of Connecticut and Delaware, together with copies of certain resolutions of the legislatures of said states, disapproving of the amendment to the constitution of the United States, proposed by the state of Georgia. Likewise a copy of a letter from the secretary of the state of Connecticut, together with a copy of a resolution of the legislature of said state, relative to an interchange of laws and of reports of adjudicated cases between the respective states therein mentioned. Further, a copy from the president of the Potomac Navigation Company, together with a copy of the assent of that company to the acts of Virginia and Maryland, incorporating the Chesapeake and Ohio Canal Company, and to the act of congress confirming the same. And I also have the honor of transmitting to you a copy of a communication from the board of directors of the Chesapeake and Delaware Canal Company, relative to the affairs of the company. J. ANDW. SHULZE.

Harrisburg, Dec. 8, 1825.

DOCUMENTS.

State of Connecticut.

Executive Department, June 1st, 1825.

Sir—I have the honor to transmit a copy of certain resolutions, adopted by the General Assembly of this state, with a request that your excellency would be pleased to lay them before the legislature of the state over which you preside.

With great respect,

I am your excellency's

Obedient servant,

OLIV. WOLCOTT.

His Excellency the Governor of the state of Pennsylvania.

At a General Assembly of the state of Connecticut,
(Seal) holden at Hartford, in said state, on the first Wednesday of May, in the year of our Lord, one thousand eight hundred and twenty-five.

The resolution of the legislature of the state of Ohio, adopted at their session in the year one thousand eight hundred and twenty-four, recommending to the legislatures of the several states of the American union, the consideration of a system for the gradual emancipation of slaves, and of several other legislatures relative thereto, having been communicated by his excellency the Governor: It is thereupon

Resolved by this Assembly, That the existence of slavery in the United States is a great national evil, and that the people and states of this union ought to participate in the burden and duties of removing it, by all just and prudent measures, which may be adopted, with due regard to their internal peace and mutual harmony; and that a system of colonization, under the patronage of the national government, may reasonably be deemed conducive to so desirable an object.

Resolved, That his excellency the Governor be requested to transmit a copy of the foregoing resolution to the executive of each of the United States, to be laid before their respective legislatures.

A true copy of record, examined and certified, under the seal of the state, by

THOMAS DAY, Secretary.

Executive Department, Dover, Delaware.

10th, February, 1825.

Sir—I have the honor, herewith, to forward to you a copy of

certain resolutions passed by the General Assembly of the state of Delaware at their present session.

Very respectfully,

Your most obedient servant,

SAMUEL PAYNTER.

The Governor of Pennsylvania.

Resolved by the Senate and House of Representatives of the state of Delaware, in General Assembly met, That this legislature do concur with the general Assembly of the state of Ohio, in opinion that "a system of foreign colonization, with correspondent measures, might be adopted that would in due time effect the entire emancipation of the slaves in our country without any violation of the national compact, or infringement of the rights of individuals, by the passage of a law, by the general government (with the consent of the slave holding states), which should provide that all children of persons now held in slavery, born after the passage of such law, should be free at the age of twenty-one years (being supported during their minority by the persons claiming the service of their parents), provided they then consent to be transported to the intended place of colonization."

Resolved, That the Governor of this state be requested to forward a copy of the above resolution to the Governor of each of the states of the United States with a request that the same may be laid before their respective legislatures; and also a copy to each of our senators and representatives in congress, requesting their co-operation in all national measures having a tendency to effect the object therein embraced.

Illinois.

Resolutions passed by the General Assembly of Illinois in 1825.

Whereas the General Assembly of the state of Ohio, did, on the 17th day of January, 1824, pass the following resolutions, by way of propositions to the state and to congress, viz:

Resolved by the General Assembly of the state of Ohio, That the consideration of a system providing for the gradual emancipation of the people of color held in servitude in the United States, be recommended to the legislatures of the several states of the American union, and to the congress of the United States.

Resolved, That in the opinion of this General Assembly, a system of foreign colonization, with correspondent measures, might be adopted, that would, in due time, effect the entire

emancipation of the slaves in our country, without any violation of the national compact, or infringement of the rights of individuals by the passage of a law by the general government (with the consent of the slave holding states), which would provide that all children of persons now held in slavery, born after the passage of such law, should be free at the age of twenty-one years (being supported during their minority by the persons claiming the service of their parents), provided they then consent to be transported to the place of colonization. Also,

Resolved, That it is expedient that such a system should be predicated on the principle, that the evil of slavery is a national one, and that the people and the states of this union, ought mutually to participate in the duties and burthens of removing it.

Therefore,

Resolved by the General Assembly of the state of Illinois, That it is expedient to concur in the plan proposed in the aforesaid resolutions, and that the Governor of this state is requested to transmit copies of the foregoing preamble and resolution to the executives of the several states, with a request that they may be laid before the legislatures thereof, and that he transmit copies of the same to our senators and representatives in congress.

Vandalia, Illinois, June 15, 1825.

Sir—In pursuance of the request therein contained, I have the honor to transmit you the foregoing resolutions, and to request that you lay them before the legislature of the state over which you preside.

I am, sir, with great respect,

Yours, &c.,

EDWARD COLES.

To the Governor of Pennsylvania.

State of Connecticut.

Executive Department, June 1st, 1825.

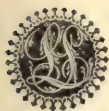
Sir—I have the honor to transmit a copy of certain resolutions adopted by the General Assembly of this state, with a request that your excellency would be pleased to lay them before the legislature of the state over which you preside.

With great respect,

I am, your excellency's obedient servant,

OLIV. WOLCOTT.

His Excellency the Governor of the State of Pennsylvania.



At a General Assembly of the state of Connecticut, holden at Hartford in said state, on the first Wednesday of May, in the year of our Lord, one thousand eight hundred and twenty-five.

Resolved by this Assembly, That the amendment to the constitution of the United States, proposed by a resolution of the legislature of the state of Georgia, passed December the twenty-second, one thousand eight hundred and twenty-three, providing "that no part of the constitution of the United States ought to be construed, or shall be construed, to authorise the importation or ingress of any person of color, into any one of the United States, contrary to the laws of such state," be, and the same is hereby disapproved by the legislature of this state.

Resolved, That his excellency the Governor be requested to transmit a copy of the foregoing resolution to the executive of each of the United States, to be laid before their respective legislatures.

Executive Department, Dover, Delaware.

5th February, 1825.

Sir—I have the honor to transmit herewith, a copy of certain resolutions passed by the General Assembly of the state of Delaware at their present session, which you are requested to lay before the legislature of the state over which you preside.

I have the honor to be, sir,

Your most obedient servant,

SAMUEL PAYNTER.

His Excellency the Governor of Pennsylvania.

Resolved by the Senate and House of Representatives of the state of Delaware, in General Assembly met, That the amendment to the constitution of the United States, as proposed in the resolution from the state of Georgia, passed the twenty-second December, eighteen hundred and twenty-three, be, and the same is hereby disapproved, by this General Assembly.

Resolved further, That the Governor of this state, be, and he is hereby requested to communicate these resolutions to the executive of the state of Georgia, and the executives of the several states, with a request that the same may be submitted to their respective legislatures.

Office of the Secretary of State.

Dover, Del., 5th February, 1825.

I certify the foregoing to be a true copy of the original roll remaining on file in this office.

H. M. RIDGELY,
Secretary of State.

State of Connecticut.

Secretary's Office, October 15, 1825.

Sir—Pursuant to instructions from his excellency the Governor of this state, founded on a resolution of the legislature, a copy of which is hereto prefixed, I have caused to be put up and forwarded to your excellency, for the use of the state over which you preside, through the care and agency of P. H. Nicklin, bookseller, Philadelphia, a set of the reports of adjudicated cases in Connecticut, viz. Kirby's Rep. 1 vol. Root's Rep. 2 vols. Day's Rep. 5 vols. Conn. Rep. 4 vols., a copy of the last edition of our statutes, and a set of Swift's Digest, 2 vols. I am also instructed by the Governor of this state, to solicit in return a set of the reports of adjudicated cases in Pennsylvania, or of such parts thereof as the proper authority may be pleased to communicate, in the hope that such exchange may tend to enlarge the bounds of judicial science, and lead to that uniformity of decision in the different members of our confederacy which is always desirable, and is often essential to reciprocity and justice.

With sentiments of respect,

I have the honor to be,

Your obedient servant,

THOMAS DAY.

His Excellency the Governor of Pennsylvania.

At a General Assembly of the state of Connecticut, holden at New Haven, in said state, on the first Wednesday of May, in the year of our Lord, one thousand eight hundred and twenty-four.

Resolved, By the Senate and House of Representatives, in General Assembly convened, That His Excellency, the Governor be, and he is hereby requested to transmit to the Governor of the state of Kentucky, three copies of the laws of this State, and one set of the reports of adjudicated cases in this state, in exchange for the laws and reports of Kentucky, transmitted for the use of this state: That his Excellency, the Governor, be also requested to make similar exchanges with other

states who may desire the same: And he is hereby authorised likewise to request similar exchanges with such other states as he may judge proper: And the comptroller is hereby directed to draw orders on the treasurer for the payment of such expenses as may be incurred in carrying this resolution into effect.

A true copy of record, examined by

THOMAS DAY, Secretary.

Office of the Potomac Company.

Georgetown, 19th May, 1825.

Sir—In compliance with the instructions of the Patowmac Company, I have the honor to transmit to you a copy of the corporate act of that company, passed at a general meeting of its stockholders on the sixteenth of this month, whereby the assent of the company is given to the provisions of the act of Assembly of the state of Virginia, confirmed by the acts of the legislature of Maryland and of congress, incorporating the Chesapeake and Ohio Canal Company.

I have the honor to be, sir,

Your very obedient servant,

J. MASON,

President of the Patowmac Company.

To his excellency J. A. Shulze, Governor of the state of Pennsylvania.

Georgetown, District of Columbia.

At a general meeting of proprietors of the Patowmac Company, held at Georgetown, in the District of Columbia, pursuant to an appointment made for that purpose by the president and a majority of the directors of the said company, agreeably to the eighth section of the act of assembly of Maryland, passed in November, 1784, entitled "An act for establishing a company for opening and extending the navigation of the river Potomac," it was resolved as follows:

1st. That this meeting having duly considered the act of the General Assembly of the state of Virginia, passed at the December session thereof, in the year 1823, entitled "An act incorporating the Chesapeake and Ohio Canal Company," and the acts of the General Assembly of Maryland, and, of the congress of the United States confirming the same, and being willing and desirous that the charter shall be granted and confirmed to the said Chesapeake and Ohio Canal Company upon

the terms and conditions expressed in the aforesaid act incorporating the said company.

Do hereby declare the full and free assent of the Patowmac company to the said act incorporating the said Chesapeake and Ohio Canal Company, and to all the provisions thereof.

2d. Resolved as aforesaid, That the president of the Patowmac Company be, and he is hereby required to deliver to the executives of the state of Virginia, Maryland and Pennsylvania respectively, and to the Secretary of the Treasury of the United States, copies of the foregoing declaration of assent, and corporate act of the Pawtomac Company, as required by the first section of the act of General Assembly of Virginia, entitled "An act incorporating the Chesapeake and Ohio Canal Company.

3d. Resolved further as aforesaid, That the president and directors of the Pawtomac Company be, and they are hereby authorized and required in the name and behalf of this company, whenever agreeable to the terms and provisions of the aforesaid act of assembly of Virginia, entitled "An act incorporating the Chesapeake and Ohio Canal Company," the subscribers therein mentioned and referred to, shall have become incorporated, to make a surrender of the charter of the Patowmac Company to the said Chesapeake and Ohio Canal Company, and to convey in due form of law to the said Chesapeake and Ohio Canal Company, all the property, rights and privileges, owned, possessed and enjoyed by the said Patowmac Company under their said charter, to be held, used and occupied by the said Chesapeake and Ohio Canal Company, in the same manner, and to the same effect, as the said Patowmac Company now how hold, possess and enjoy the same by law. And it is hereby resolved and declared that upon the completion of the said surrender and conveyance by the said president and directors, to be evidenced by deed or deeds under the hands of the said president and directors, or a majority of them, and the corporate seal of this company, the said charter shall be, and hereby is effectually surrendered, and all the said property, rights and privileges shall be, and hereby are effectually conveyed to the said Chesapeake and Ohio Canal Company, according to the tenor and effect, true intent and meaning of the said act and acts so incorporating the Chesapeake and Ohio Canal Company as aforesaid.



In testimony whereof, as the corporate act of the Patowmac Company, they have caused to be affixed hereunto, the corporate seal of the said Patowmac Company, this sixteenth day of May, Anno Domini one thousand eight hundred and twenty-five.

At Georgetown, in general meeting as aforesaid.

To the Governor of the state of Pennsylvania:

Sir—The president and directors of the Chesapeake and Delaware Canal Company, have observed in some of the newspapers, unfavorable statements relative to the canal under their care. They are aware that statements somewhat similar were made in this city a few weeks since by an individual, and that for a short time they obtained a degree of credence. But the facility of confuting them while their circulation was confined to Philadelphia, was such as enabled the members of the board to correct the opinions of the stockholders without a public exposition, and thus to prevent the wrong which was meditated. As, however, it is possible that the character of the work may sustain injury, in the opinion of the officers of the state government, from the statements in question, the president and directors take the liberty of frankly and very briefly explaining to you the present situation and prospects of the company.

The cost of constructing the canal and its appurtenances, was estimated by the board of United States' engineers, and by a board of distinguished civil engineers who were associated with them for this purpose, at the sum of \$1,354,364.64.

It is now eighteen months since the construction of the canal was begun, under the superintendence of Benjamin Wright, Esq., as engineer in chief, and its progress has proved that the estimate was made on a scale of great liberality.

The amount of funds at the disposal of the company, including the United States subscription, and that of the state of Pennsylvania, through the Philadelphia Bank, is about a million of dollars, and it is probable that the balance will be procured by individual subscriptions.

The work from the commencement has never been interrupted or suspended; the smallest force employed at any moment having been upwards of five hundred men. The force employed at present is about 1,400 men, and it is daily increasing.

The obstacles encountered have been less formidable, both as to number and importance, than was anticipated at the outset. At no time has there been any reason to doubt the ultimate success of the project.

The rate of progress in the work has been heretofore less rapid on certain parts, than in the opinion of the board was desirable and they have thought it necessary to dismiss one contractor for delinquency, the operations on a part of the line were in consequence retarded for a few days, until new contracts having been entered into with others on favorable terms, the work was resumed with increased vigour.

The high confidence at first reposed by the board in the ability and integrity of their engineer, has undergone neither diminution nor change.

The prospects of the company are as fair as they ever have been, and the president and directors look forward to the completion of this truly national work within the time originally contemplated, and at a somewhat reduced cost.

They beg leave to assure you in conclusion, that there is not, and has not been the semblance of foundation for the reports which have been circulated to the prejudice of the company.

Signed by the unanimous order of the board.

JAMES C. FISHER, President.

H. D. Gilpin, Secretary.

Chesapeake and Delaware Canal Office, 16th November, 1825.

To the Assembly with Documents Concerning the
Delaware and Raritan Canal.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO you a copy of a letter of the board of the United States' engineers, together with a copy of the certificate, required from the board by an act of the legislature of this state, relative to the Delaware and Raritan canal; also a copy of an instrument drawn up by the commissioners, named and appointed by an act of the legislature of New Jersey, for the fixing and de-

termining the general route of said canal and its feeder; and also a copy of a map, shewing the general route of the canal and its feeder.

J. ANDW. SHULZE.

Harrisburg, December 30, 1825.

DOCUMENTS.

Washington, December 21, 1825.

Sir—We have the honor to transmit to your excellency, the certificate required from us by an act of the legislature of Pennsylvania, relative to the Delaware and Raritan canal.

We annex to that certificate a copy of an instrument drawn up by the commissioners named and appointed in and by an act of the legislature of New Jersey, for the fixing and determining the general route of the said canal and its feeder.

We annex also a map shewing the general route of the canal and its feeder.

This map and the instrument aforesaid, were both communicated to us by Mr. Canvass White, one of the commissioners.

We have the honor to be,

Very respectfully,

Your excellency's

Most obedient servants,

S. BERNARD, Brig'r. Gen'l.

In behalf of the Board of Engineers of the United States.
To his excellency, J. Andrew Shulze, Governor of Pennsylvania, Harrisburg.

Agreeably to an act of the legislature of Pennsylvania, relative to the Delaware and Raritan canal to be constructed in the state of New Jersey, but more especially to the third section of the said act, enacting "That the location and the dimensions of the said canal, locks and tow paths thereto appertaining, shall be approved of by a majority of the board of engineers of the United States, who shall certify to the governor of this commonwealth, that the said location and dimensions are in their judgment, the best adapted for a canal navigation between the tide waters of the Delaware and Raritan rivers, and that the feeder of the said canal is located, agreeably to the provisions of the second section of this act; then and in such case the governor shall issue letters patent, to the Delaware and Raritan canal company, reciting the proceedings under this act, and declaring that the said company may

lawfully thereafter proceed and to take water from the river Delaware, as by this act is provided." The undersigned, brigadier general Simon Bernard and lieutenant colonel J. G. Totten, constituting a majority of the board of engineers of the United States, have examined an instrument, dated the twenty-fifth of November, one thousand eight hundred and twenty-five, drawn up and signed by Messrs. Benjamin Wright, Canvass White and Ephm. Beach, Commissioners, named and appointed in and by an act of the legislature of the state of New Jersey, entitled "An act to incorporate the Delaware and Raritan canal company," passed December 30, 1824, for the fixing and determining the general route of the said canal, and the feeder in the said act mentioned, the said instrument fixing and determining the general route of the canal and of the feeder, the dimensions in breadth and depth of the same, the dimensions of the locks, the beginning of the canal in the Raritan river, and its termination in the Delaware river.

The undersigned, brigadier general Simon Bernard and lieutenant colonel J. G. Totten, have also examined a sketch map accompanying the aforesaid instrument and exhibiting the general route of the canal and of the feeder.

The undersigned, being of opinion that a canal between the tide waters of the Delaware and Raritan rivers, should enter these rivers respectively, below all shoals, sand bars, banks and other obstructions in the channels of said rivers, on which there are less than eight feet at low tide, do not approve of the location of the beginning and termination of the canal, as fixed and determined by the aforesaid commissioners, in the instrument herein above mentioned.

As to the general route of the canal as fixed by the aforesaid commissioners, though the undersigned might not consider that route as the best adapted for a canal navigation between the tide waters of the Delaware and Raritan, were the national interest the main object in view—yet deeming that their duty on the present occasion, requires from them to conciliate economy, the particular interests of the state of Pennsylvania and New Jersey, and the interests of the public at large, they approve of the general route of the canal as fixed by the aforesaid commissioners, provided the location of its beginning and termination, be made to fulfil the conditions indicated in the foregoing paragraph.

The undersigned approve of the location of the feeder of the said canal, judging from the sketch-map laid before them, that the said feeder is located agreeably to the provisions of the second section of the act of the legislature of Pennsylvania.

They approve also of the dimensions of the main canal as fixed by the aforesaid commissioners, namely: sixty feet in breadth at the surface of the water, and eight feet in depth, measured from the surface of the water down to the bottom of the canal.

They approve also of the dimensions of the locks on the main canal as fixed by the said commissioners, namely: one hundred feet in length, measured between the hollow quoins, and twenty-two feet in width at bottom and between the hollow quoins.

Respecting the tow paths of the main canal, their dimensions not having been fixed by the aforesaid commissioners in their instrument herein above mentioned, the undersigned can only hereby declare that they would approve, for these tow-paths of a breadth for the horse way of ten feet.

Witness our hands and seals, the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-five.

S. BERNARD, Brig'r. Gen'l.,

JOS. G. TOTTEN, Maj'r. Engs. Bt. Lt. Col.

Members of the Board of Engineers of the United States.

We the subscribers, Benjamin Wright, Canvass White and Ephraim Beach, commissioners, named and appointed in and by the act of the legislature of the state of New Jersey, entitled "An act to incorporate the Delaware and Raritan canal company," passed December 30, 1824, for the fixing and determining the general route of the said canal and feeder in the said act mentioned, having met together and being first sworn according to the said act, and having taken upon ourselves the duty prescribed to us by the said act to determine on the most proper stations, for the beginning and termination of the said canal and feeder respectively, and the most proper route or routes on which the said canal and feeder ought to be made by the said company, taking into view economy and the public interest, and having caused the same to be levelled and surveyed, and having viewed and examined the premises, and having determined on the general line of the said canal and feeder. Now in pursuance of the said act, we the commissioners aforesaid, do hereby certify and report, that we have fixed and determined on the most proper stations for the beginning and termination of the said canal and feeder respectively, and the most proper route or routes on which the said canal and feeder ought to be made by the said company, taking into view the economy and the public interest.

We do fix and determine, that the most proper station for the beginning of the said canal is at the south-west corner of a dock, on the Raritan river, known by the name of Martin's dock, and now in the possession of Joseph Sutton, and thence following up the valley of the said Raritan river to the junction of the Millstone river with the Raritan, and thence up the valley of the said Millstone, passing near Kingston to the junction of Stoney brook with the Millstone, and thence up the valley of Stoney brook, passing south of Princeton, and thence through Lawrence meadows, crossing the straight turnpike eastward of the gate, thence in a direct course to within the southern bounds of the city of Trenton, thence crossing the Assinpink creek, southwardly of the dwelling house of doctor Glentworth, and thence along eastwardly of the penitentiary, passing the village of Lamberton to a well post on the bank of the Delaware river, standing westerly of and near to the Fishermen and Raftsmen hotel, and terminating in the channel of the Delaware river, on a line with the said well post and a blacksmith shop standing on the Pennsylvania shore.

And we do also fix and determine, that the most proper station for the beginning of the said feeder is at the confluence of the Musconetkong with the Delaware river, and thence passing down the valley of the Delaware to Eagle island, and there, to take in an additional supply of water, and continue down the valley of the Delaware on the New Jersey shore, passing through the city of Trenton; and the most proper station for the termination of the said feeder, is at a point in the canal hereinabove mentioned between second street and Perry street, in the said city of Trenton.

And we do also fix and determine that the most proper route or routes on which the said feeder ought to be made by the said company, is from the above mentioned beginning point; that is to say, from the confluence of the said Musconetkong with the Delaware river to the aforesaid termination point; and we have made and do hereby make and sign a description of the route or routes of the said canal and feeder respectively, as hereinbefore mentioned pursuant to the said act.

And we do also fix and determine the size and dimensions of a cross section of the said canal and feeder. The main canal shall have generally sixty feet surface of water and eight feet in depth, and the feeder shall have generally forty feet surface of water and five feet in depth. The locks on the main canal shall be one hundred feet between the hollow quoins, and twenty-two feet wide at bottom and between the hollow quoins.

Witness our hands and seals, this twenty-fifth day of November, in the year of our Lord, one thousand eight hundred and twenty-five.

(Signed,)

BENJ. WRIGHT,
CANVASS WHITE,
EPHRAIM BEACH.*

To the president and managers of the Delaware and Raritan canal company.

*I agree to the description given in the within, as to the beginning and termination of the canal and feeder, except the beginning of the feeder as described at the mouth of Musconetkong.

I am of opinion that the feeder should commence at Eagle Island, it being of sufficient elevation to answer all necessary purposes for feeding the main canal.

Signed,

EPHRAIM BEACH.

To the Assembly Giving Notice of the Appointment of General Isaac D. Barnard to be Secretary of the Commonwealth.

Gentlemen—

THE FORMER SECRETARY, MOLTON C. ROGERS, esquire, having this day resigned the office of Secretary of the commonwealth, it is proper to inform you, that I have appointed and commissioned, General Isaac D. Barnard his successor, during my continuance in office, agreeably to the fifteenth section of the second article of the constitution.

J. ANDW. SHULZE.

Harrisburg, January 2, 1826.

To the Assembly with a Document from the Canal Commissioners and also from the State of Vermont Disapproving of the Georgia Resolutions Relative to the Importation of Colored Persons.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO you a copy of a letter from the president of the board of canal commissioners, appointed in pursuance of the act of Assembly of the 11th of April, 1825, together with a copy of the report of the said board of commissioners.

I also have the honor of transmitting to you, a copy of a letter of the secretary of the state of Vermont, together with a copy of resolutions of said state, disapproving of the amendment proposed to the constitution of the United States, by the state of Georgia, relative to the importation or ingress of any person of color, and approving of any measures which may be adopted by the general government for the abolition of slavery.

J. ANDW. SHULZE.

Harrisburg, January 5, 1826.

DOCUMENTS.

Canal Commissioners' Office,
Philadelphia, December 30, 1825.

Sir—I have the honor to enclose to your excellency, the first report of the canal commissioners.

With the highest respect, Sir, your most obedient servant,

JOHN SERGEANT, President.

His Excellency J. Andrew Shulze, Governor of Pennsylvania.

The commissioners appointed by his excellency the governor of Pennsylvania, under the authority of an act of the legislature, entitled "An act to appoint a board of canal commissioners," have the honor, in compliance with the requisition of the eighth section of the said act, to submit the following report in part.

In consequence of one of the commissioners first named by the governor, having declined the appointment, and the time necessarily employed in supplying his place, the board could

not be organized until the fourth of July, when John Sergeant was elected president, and Joseph M'Ilwaine appointed secretary. Previously, however, the commissioners who had accepted, sensible of the great importance of the duty assigned them, and desirous that there might be no unnecessary delay in entering upon its execution, were occupied in making such provisional arrangements and obtaining such information as might enable the board when organized, to proceed without loss of time.

The objects enumerated in the act, it is very evident could not all be advantageously attended to in one season. The board was therefore obliged to make a selection, and in doing so they deemed it their duty to follow the order pointed out by the act, as that which had been established by the wisdom of the legislature, giving the priority to those routes which were first named in the act. Accordingly they made the earliest practicable arrangements for examining the routes by the Susquehanna and the Juniata, to the Allegheny and Pittsburg, and thence to Lake Erie.

For this purpose they engaged successively, the services of William Wilson, of Lycoming, John Davies, of Dauphin, John Mitchell, of Centre, and Francis W. Rawle, of Clearfield, all of them citizens well qualified for performing the duties assigned them.

It was the desire of the board to have obtained the aid of an experienced practical engineer, and they made every exertion to do so, but it was found to be impracticable; all who were known by their established reputation, having been previously engaged for the season. Subsequent experience and further information, have induced the board to believe that for the work of the past summer, the aid of an engineer of the description mentioned, was by no means indispensable, nor even very important, however valuable it may be in a future stage of the business.

The instructions to the several persons employed as before stated, were in conformity with a plan of operations which appeared to the board best calculated to effectuate the views of the legislature, and which they will now endeavor to explain. From the Allegheny mountain, at or near to Blair's gap, and in the neighborhood of the head waters of the Juniata and Conemaugh, to the head waters of the Sinnemahoning branch of the Susquehanna, there is a ridge which may be considered generally, as the dividing summit in that direction between the eastern and western waters. This ridge passing through an

unsettled country, thickly covered with timber, and hitherto little explored or known, had never (it is believed), undergone a careful examination on both sides of it. The streams which flow to the east and the west in a great measure determine the course to be thence pursued, as it is believed that a navigable connexion must follow very nearly the vallies of these streams, and they are understood to present no insuperable difficulty.—But which of these streams should be used, where there were several, and how they should be used, whether as feeders or otherwise, it was evident must depend upon the point at which the summit should be passed, and the manner of passing it.

The great problem to be solved, then, as it appeared to the board, was, whether water could be carried over this summit in sufficient quantity to answer the purposes of navigation, at what elevation, and at what point or points. It became necessary, therefore, to have an extensive and accurate examination of this ridge at the several points which offered a probability of passage, in order that the legislature might have the fullest information; that the several points might be compared as to advantage and disadvantage, with each other; and that any or all of them might be compared with the Juniata summit.

Mr. Wilson was employed to make the examination on the Sinnemahoning branch, Mr. Davies was employed on the Juniata summit, Mr. Mitchell on the headwaters of the west branch of the Susquehanna, and subsequently Mr. Rawle on the head waters of Clearfield creek. They were severally instructed to make their examinations with the utmost attainable accuracy, and to note and communicate all such matters as appeared to be important. They were especially directed to be very careful in taking the levels and measuring the streams, so that the materials for exact calculation, on these two essential points might be furnished to the board. And to enable them to execute these instructions, they were supplied with excellent instruments, purchased by the commissioners, (with the exception of one belonging to the state), expressly for the work.

One of the commissioners accompanied Mr. Davies in the greater part of this work, and another gave his personal aid, during a part of the season to Mr. Wilson and to Mr. Mitchell.

To be in the neighborhood of the scene of these interesting operations, and to acquire some general knowledge of that part of the country, the board held a meeting at the town of Clear-

field. Two of the members departed, after the adjournment, in a direction towards Lake Erie. One of them pursued the course by the town of Erie, and thence down the lake and along the New York canal; and the other, after visiting Meadville and Conneaut Lake, passed down to Pittsburg, and thence to Philadelphia.

Having made these arrangements, and continuing to make such inquiries as would enable them to fulfil the trusts committed to them, the board were obliged to wait the result. The season has proved favorable. The surveyors have not been much interrupted by bad weather, and the streams have been unusually low, so that the water they afforded at the time of examination may be regarded as the minimum quantity.

The work of the season, on the ground, is now completed. It includes the following particulars, to wit:

1. An examination of the several summits on the route by the west branch of the Susquehanna—a measurement of distances and levels from the several summits to a common point on the Susquehanna, and from that common point to the mouth of the Juniata.

2. An examination of the Juniata summit, and measurement and levels, thence by the Conemaugh, Kiskiminetas and Allegheny, to Pittsburg.

3. A connection of these levels with each other, and with the point established by the late commissioners, on the Allegheny mountain, so as to give the comparative elevation of all these points.

But the surveyors have not yet been able to make their reports and furnish the necessary drafts. These, it is hoped, will soon be prepared, and the commissioners will then have it in their power to make a full report. They regret that this delay should occur, but as it has been unavoidable, they hope a sufficient excuse for it will be found in the circumstances already adverted to.

It will be seen, from the preceding statement, that the board have not thought it necessary to cause a survey and measurement to be made, and levels to be taken down the Juniata, Having been furnished with the notes of the late commissioners, they are satisfied that the results given in their report are sufficiently correct to render an examination at this time superfluous, and their accuracy will be further tested by the connected surveys which have been made under the authority of the board.

Neither have they as yet made any examinations beyond the Allegheny river. They are not unaware of the importance of

the connection with Lake Erie, nor unmindful of the interest felt in it by a large portion of their fellow citizens, whose wishes are entitled to regard. But besides being in a measure obliged to apply their force, during the past summer, chiefly to the summit between the Susquehanna and the Allegheny, there were two considerations which seemed to them to render it less objectionable, if not quite expedient, to postpone the survey beyond the Allegheny. One of them was, that extensive examinations had already been made, and at the period spoken of, were still going on, under the direction of the government of the United States, of which, when completed, the agents of the state would have the full advantage. The other was, that the course of the improvement beyond the Allegheny might, in some degree, be determined by the route adopted on this side.

In relation to this part of the proposed surveys and examinations, one fact is stated, and generally believed to be correct, which it may be material for the legislature to know. It is, that a communication between the Ohio and Lake Erie, within the limits of Pennsylvania, whether it be by the Beaver river or the Allegheny, must be supplied on the summit level from the waters of French creek, and those waters are not sufficient for the supply of more than one canal. It would seem, therefore, to be a measure of prudence on the part of the commonwealth, so to reserve its power over that stream, or over any communication that may be formed by means of it, as to secure a connection with the great line on this side the Allegheny.

It will also be perceived, from the preceding statement, that the board have not caused surveys and measurements to be made and levels to be taken, down the several streams that flow from the dividing ridge into the Allegheny. The general elevation will be known from the connected levels, and the levels down the Conemaugh, Kiskiminetas and Allegheny, and an estimate can be made of the distances. Until the point shall be fixed at which the dividing ridge shall be passed, it is obviously impossible to say which of these streams will be used; and to measure, examine, and level them all, seemed to be putting the state to useless expense.

With the data which the board will furnish in their next report, they hope to afford the means of forming an accurate opinion upon the comparative merits of the two great lines of communication by the Juniata and the west branch of the Susquehanna, as well as of the comparative advantages and dis-

advantages of the several points of passing the summit by the last mentioned route.

And the board, again expressing their regret at the unavoidable delay, respectfully ask to be permitted to make a further and full report, as soon as the necessary materials shall be provided.

All which is respectfully submitted.

By order of the Board,

JOHN SERGEANT, Pres't.

Attest:

JOSEPH M'ILWAINE, Sect'y.

State of Vermont.

Secretary of State's Office,
Woodstock, December 12th, 1825.

Sir—By the direction of the Governor of this state, I herewith transmit to your excellency, copies of certain resolutions of the legislature of this state.

I have the honor to be, sir,

With great respect,

Your excellency's obedient servant,

NORMAN WILLIAMS,
Secretary of State.

His Excellency the Governor of Pennsylvania.

State of Vermont.

In General Assembly, October 17, 1825.

Resolved, the Governor and Council concurring therein, That the alteration of the constitution of the United States, proposed by the state of Georgia, on the twenty-second day of December, in the year of our Lord one thousand eight hundred and twenty-three—"that no part of the constitution of the United States, ought to be construed, or shall be construed, to authorise the importation or ingress of any person of color into any one of the United States, contrary to the laws of such state," be, and the same is hereby disapproved by the legislature of this state; and the Governor of this state is hereby requested to transmit a copy of the foregoing resolution to the executive of each of the United States.

State of Vermont.

In General Assembly, Nov. 15, 1825.

On the part of the committee to whom was referred certain communications from the states of Ohio, Illinois, Indiana,

New Jersey, Delaware, Connecticut, Georgia, Missouri and Mississippi, containing resolutions on the subject of the abolition of slavery in the United States.

Resolved, by the General Assembly of the state of Vermont, that slavery is an evil to be deprecated by a free and enlightened people, and that this General Assembly will accord in any measures which may be adopted by the general government for its abolition in the United States, that are consistent with the rights of the people, and the general harmony of the states.

Resolved, That his excellency the Governor be requested to transmit a copy of the foregoing resolution to the executive of the several states, to be laid before their several legislatures: and also to forward a copy to each of our senators and representatives in congress.

To the Assembly with Documents from Tennessee
Proposing a Constitutional Amendment Relating
to Elections of President and Vice President.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO you a copy of a letter from the Governor of the state of Tennessee, together with a copy of certain resolutions of the legislature of said state, proposing an amendment to the constitution of the United States, relating to the election of president and vice president.

J. ANDW. SHULZE.

Harrisburg, January 10, 1826.

DOCUMENTS.

Executive Office, Tennessee,

Murfreesboro', Dec. 15, 1825.

Sir—I have the honor of forwarding to you the inclosed proposed amendment to the constitution of the United States, adopted by the legislature of Tennessee, with a request that

you will be pleased to lay it before the legislature of the state over which you preside .

With great regard,

I have the honor to be,

Most respectfully,

Your obedient servant,

WILLIAM CARROLL.

His excellency the Governor of the State of Pennsylvania.

Proposed amendment to the constitution of the United States.

Resolved by the General Assembly of the state of Tennessee, That the following amendment to the constitution of the United States, be proposed, and that copies be forwarded by the Governor of this state, to the Governors of the respective states, to be laid before their legislatures; and also, to each of our senators and representatives in congress, with a request that they be brought fully to the consideration of that body.

Each state, as the legislature thereof may direct, shall be divided into as many districts, to be composed of contiguous and conterminous territory, as may be equal to the whole number of senators and representatives, to which it may be entitled in the congress of the United States, which shall be arranged immediately after the adoption of this amendment, and shall not be altered or changed, but at the session of the legislature, which may be commenced and held immediately after the apportionment of members, once in ten years, to be made by congress.

The persons qualified in the respective states to vote for the most numerous branch of the legislature, within the same week, throughout the United States, and in their respective states, shall meet and vote for a president and vice president, one of whom shall not be an inhabitant of the same state with themselves, designating the person voted for as president and the person voted for as vice president. The person in said district who may have the highest number of votes as president, shall be holden to have received one vote, and the person having the greatest number of votes for vice president, shall be holden to have received one vote in said district; which fact, by the proper returning officers, shall be immediately returned to the Governor of the state; and so soon as the reports from each of said districts, shall be received, statements by the Governor shall be made out, certified and forwarded under the seal of the state, to the president of the Senate, who, with a committee of one from each state, to be previously

chosen from the Senate, and by the Senate, shall attend at the city of Washington, and who, at the Senate chamber, at such time as may be by law prescribed, and in presence of said committee, or a majority of them, shall open and count the certificates. Said senators shall, when practicable, be the bearers of the certificates from their respective states—and duplicate certificates shall be also forwarded, by mail, to the president of the Senate.

The person having the highest number of votes for president, shall be president, provided, such number be a majority of the whole number of votes given for president; and if no person have such majority, then the president of the Senate, and the committee of the Senate, shall certify the same to the Governors of the several states, and by their proclamation, forthwith to be issued, announce the two highest on the list, and the three highest on the list; when two next the highest shall have an equal number of votes, requiring, at some time, within one hundred days, the people entitled to vote, to meet in their respective states, and vote as before, which of said two or three highest (as the case may be), shall be the president; which said vote shall be counted and certified as herein before declared, to the president of the Senate, who in the Senate chamber, shall open and count the votes, in the presence of the Senate and House of Representatives; and if the House of Representatives fail to attend, he shall proceed to the count in the presence of the Senate only; when the person having the highest number of votes, shall be president of the United States.

No member of congress shall be eligible to any office within the gift or nomination of the president of the United States, during the period for which he shall have been elected, and for six months thereafter, except appointments in the regular army or navy of the United States.

To the Assembly with Documents from Kentucky on the Georgia Proposition with Regard to the Importation of Colored Persons.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO you, a copy of a letter of the governor of the state of Kentucky, together with a copy of resolutions of the legislature of the said state, disapproving of an

amendment proposed to the constitution of the United States, by the state of Georgia, relative to the importation or ingress of any person of color, into any of the states of the union, contrary to the laws of such state.

J. ANDW. SHULZE.

Harrisburg, January 28, 1826.

DOCUMENTS.

Commonwealth of Kentucky,
Executive Department, Frankfort, January, 1826.

Sir—In compliance with the request contained in the last of the accompanying resolutions of the General Assembly of this Commonwealth, I transmit them to your excellency, and request that they may be laid before the legislature of the state over which you preside.

JOS. DESHA.

His Excellency the Governor of Pennsylvania.

Resolutions relative to an amendment to the constitution of the United States, proposed by the state of Georgia.

Resolved, by the General Assembly of the Commonwealth of Kentucky, That the amendment to the constitution of the United States, proposed by resolution of the legislature of Georgia, of the twenty-second of December, one thousand eight hundred and twenty-three, providing "that no part of the constitution of the United States ought to be construed to authorise the importation or ingress of any person of color, into any one of the United States, contrary to the laws of such state," be, and the same is hereby disapproved by the legislature of this commonwealth.

Resolved further, That his excellency the Governor be requested to transmit a copy of this resolution to the Governors of the different states, to be laid before their respective legislatures.

To the Assembly with an Offer from Rembrandt Peale to furnish the State with a Portrait of George Washington.

I HAVE DIRECTED TO BE LAID BEFORE YOU a copy of a letter from Rembrandt Peale, together with a copy of a communication enclosed, containing an offer to the state to furnish a likeness of General Washington.

J. ANDW. SHULZE.

Harrisburg, February 1, 1826.

DOCUMENT.

Sir—Not less enthusiastic in my love of the art which I profess, than in my estimate of the character of Washington, my highest ambition has been to record his countenance. The success with which I have accomplished this task, may be inferred from the testimonials of those who were intimate with him. Their expressions of approbation are unqualified and satisfactory. The original picture must remain in my own hands, in order that I may execute a few faithful copies of it. And as I am about departing for Europe, I have thought it my duty without delay, to offer to the state over which you preside, the opportunity of possessing a copy of this portrait, which I am willing to furnish for one thousand dollars. This will be considered a moderate price for a painting of such extent, style of execution, and the care which is requisite to insure a faithful transcript of so interesting and sublime a countenance. The time will come when this act, which goes at once to encourage native art, and to commemorate a nation's gratitude, will be remembered with pride and satisfaction.

I hope it may afford you pleasure to make this communication to the legislature.

With sentiments of great respect,

I remain, sir,

Your humble servant,

REMBRANDT PEALE,

New York, Jan. 24, 1826.

To his Excellency J. Andrew Shulze, Governor of Pennsylvania.

to the Senate and House of Representatives of the Commonwealth of Pennsylvania:

The undersigned, one of the last surviving artists who enjoyed the privilege of painting the portrait of Washington from the life, having succeeded in producing a likeness of that illustrious man which has united in one expression of distinguished preference the voices of his most intimate friends and cotemporaries, feels it his duty to offer his service to the state.

If it be true, that this portrait is justly distinguished for its fidelity and expression of character, it must be ascribed to the personal knowledge which the artist had of the living model. Copies of this picture made by the artist himself will be entitled to greater confidence, and will be of greater value than any which may be executed after his death or by other hands.

He therefore offers to the state of Pennsylvania an opportunity of possessing for a moderate compensation, as indicated in a letter to the Governor, an accurate copy of this work.

REMBRANDT PEALE.

New York, January 24th, 1826.

To the Assembly with Documents from Maryland
Concerning Fugitive Slaves.

Gentlemen—

I HAVE THE HONOR TO TRANSMIT TO YOU copies of the appointment by the legislature of the state of Maryland, of Ezekiel F. Chambers, a member of the Senate, and Archibald Lee and Robert H. Goldsborough, members of the House of Delegates, "to negotiate with the legislature of Pennsylvania, for the purpose of procuring such aid by legislative provisions or otherwise as may be most effectual for the recovery of persons bound to, or owing service or labor to citizens of Maryland, who have heretofore absconded, or shall hereafter abscond or flee from Maryland into the state of Pennsylvania;" also, copies of a letter from the Governor of that state, stating the reasons why the

interposition of the legislature of Pennsylvania is requested to remedy the grievances complained of, and a letter of the president of the Senate, addressed to the Speaker of the Senate of Pennsylvania. I have also to inform you that the above named gentlemen are now at the seat of government, to perform the duties assigned them by their appointment, and I am satisfied will be received by the legislature in that friendly and conciliatory spirit due to the representatives of a sister state.

J. ANDW. SHULZE.

Harrisburg, February 2, 1826.

DOCUMENTS.

In Council,

Annapolis, January 9th, 1826.

Sir—The immense losses sustained by the citizens of this state by the absconding of their slaves, and the great difficulties experienced in recovering them, have been deemed of sufficient importance to induce the legislature to make a solemn appeal to the government of those states, in which the greatest portion of such fugitives are known to seek refuge, for their aid in arresting this growing evil. For this purpose the bearers hereof, Ezekiel F. Chambers, Esq., a member of the Senate, and Archibald Lee and Robert H. Goldsborough, Esqs., members of the House of Delegates, have been appointed a joint committee to confer with the legislature of Pennsylvania, upon the measures best calculated to remedy the grievance so sensibly felt, and which I assure your excellency is of very serious magnitude and general concern to all holders of slaves.

With the fullest confidence, that the gentlemen deputed upon this interesting business, will be received in the friendly and conciliatory spirit in which they have been appointed, and that with the disposition which no doubt is entertained, that your excellency as well as the legislature of the state over which you preside, will feel to meet the views and accomplish the just purposes of their mission, we cannot doubt a successful issue.

With the highest consideration,

We have the honor to be,

Your excellency's most ob't. humble serv't.,

JOSEPH KENT.

To his excellency J. Andrew Shulze, Governor, &c.

To the honorable the legislature of Pennsylvania:

These are to certify that Ezekiel F. Chambers, a member of the Senate, and Archibald Lee and Robert H. Goldsborough, members of the House of Delegates, have been appointed by the General Assembly of Maryland, as deputies to the legislature of the state of Pennsylvania, with authority to negotiate with said legislature for the purpose of procuring such aid by legislative provisions or otherwise as may be most effectual for the recovery of persons bound to, or owing service, or labor to citizens of Maryland, who have heretofore absconded, or who shall hereafter abscond or flee from Maryland into the state of Pennsylvania.

Witness our hands, with the great seal of the state
hereto annexed, this day of January, in
(Seal) the year of our Lord one thousand eight hundred
and twenty-six.

JOSEPH KENT.

WM. R. STUART,
President of the Senate of Maryland.
BENEDICT J. SOMMES,
Speaker of the House of Delegates.

Senate Chamber.

Annapolis, 6th January, 1826.

Sir—As president of the Senate of Maryland, I take the liberty to introduce to your notice Ezekiel F. Chambers, Esquire, of the Senate, and Archibald Lee and Robert H. Goldsborough, Esquires, of the House of Delegates. Those gentlemen have been deputed by the General Assembly of Maryland to confer with the legislature of Pennsylvania and with the legislatures of the adjacent states of Delaware and New Jersey, upon the measures best calculated to prevent the absconding of slaves from Maryland, and to facilitate their recovery by their owners and are furnished with the proper credentials.

The attentions which you may be pleased to bestow on those gentlemen, and the assistance you may afford in furtherance of the object of their mission, will be duly appreciated, by

Sir, your obedient servant,

WM. R. STUART,
President of the Senate of Maryland.

To the honorable the Speaker of the Senate of Pennsylvania.

To the Assembly Transmitting Report of Canal Commissioners.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO you a copy of a letter from the president of the board of canal commissioners, together with a copy of a report, made in pursuance of the act of assembly of the 11th of April, 1825, entitled "An act to appoint a board of canal commissioners."

J. ANDW. SHULZE.

Harrisburg, February 8th, 1826.

DOCUMENT.

Canal Commissioners' Office,
Philadelphia, February 3, 1826.

Sir—I have the honor herewith to transmit to your excellency a report of the commissioners, together with the field notes, drafts and maps therein referred to.

With the highest respect,

Sir, your most obedient servant,

JOHN SERGEANT, President.

To his excellency J. Andrew Shulze, Governor of Pennsylvania.

(Report omitted.)

To the Assembly with a Document from Virginia
Concerning the Chesapeake and Ohio Canal.

Gentlemen—

I HAVE THE HONOR TO TRANSMIT TO YOU A copy of a letter from the Governor of the state of Virginia, together with an authenticated copy of an act of the legislature of said state, entitled an act to amend an act incorporating the Chesapeake and Ohio canal company.

J. ANDW. SHULZE.

Harrisburg, February 14, 1826.

DOCUMENTS.

Executive Department,
Richmond, February 7th, 1826.

Sir—In compliance with a resolution of the general assembly of this state, I have the honor to transmit herewith an authenticated copy of an act passed at the present session of the general assembly, amending the act incorporating the Chesapeake and Ohio canal company, with a request that your excellency will submit the same in due season to the legislature of the state over which you preside.

I have the honor to be,

Your most obedient servant,

JOHN TYLER.

To his excellency the Governor of Pennsylvania.

An act to amend the act entitled "An act incorporating the Chesapeake and Ohio canal company," passed 26th of January, 1826.

Whereas, it appears to this general assembly, that in the proviso to the fifth section of the act, entitled "An act incorporating the Chesapeake and Ohio canal company," passed the twenty-seventh day of January, eighteen hundred and twenty-four, the following words destructive of the intent and operation of the said section, have been inserted, to wit: "nor any payment demanded within any year from the commencement of the work."

Be it therefore enacted by the general assembly of Virginia, that so soon as the legislatures of Maryland and Pennsylvania, and the congress of the United States as the legislature of the District of Columbia, shall assent to this act, the words above quoted shall be repealed and expunged from the afore-said proviso, and thenceforth the said proviso shall be construed in the same manner, and have the same effect as if the afore recited words had never been inserted therein.

To the Assembly Transmitting the Report of the Adjutant General—1826.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO you a copy of a letter from George B. Porter, Esquire, Adjutant General of Pennsylvania, accompanied with his annual report, made in pursuance of the militia law.

It will be seen by the communication of the Adjutant General, that he has not been able to make report of the ordnance, camp equipage and military stores, in the state arsenals, in consequence of the failure of two of the keepers to make returns to him. The arsenals, and military articles therein deposited, of great value, being the property of the state, I would suggest the propriety of authorising the adjutant general to appoint the keepers: This would ensure a strict accountability on the part of those officers, and place this public property more under his immediate direction and control. By the present law, brigade inspectors, elected by a comparatively small portion of the people of Pennsylvania, are entrusted with the charge of the arsenals, and property in them, belonging to the whole state.

I would also respectfully suggest the necessity of making immediate provision by law, for having repaired and cleaned, the muskets in the arsenals. At a small expence this could now be done, and those arms distributed to volunteers, who are by law entitled to them, but who cannot be supplied, as there are no muskets in the arsenals in a condition to be issued. The longer the repair of those arms is delayed, the greater will be the expense, and indeed if much longer neglected, they will become wholly useless, and be lost to the state.

I am gratified to learn that the accounts between this state and the general government, for arms and other military property which passed between them during the late war, are likely to be speedily and satisfactorily adjusted. But before these accounts can be finally closed, it seems necessary to have the German muskets, now in the Philadelphia arsenal, placed in a condition to be exchanged for other arms of the United States, agreeably to the seventy-fifth section of the militia law; and I would most respectfully urge upon the legislature the necessity of having this subject

promptly attended to. The legislature cannot fail to remark the very great advantage that will result to Pennsylvania by the exchange, as arms to the value of fifty thousand dollars will thereby be obtained for those muskets now of little or no value to the state.

The auditor and adjutant generals, to whom the settlement of these complicated accounts was confided by law, have displayed much industry, zeal, and intelligence in the discharge of this very arduous duty.

The other objects contained in the adjutant general's communication, will of course receive the due attention of the legislature.

J. ANDW. SHULZE.

Harrisburg, February 17, 1826.

DOCUMENTS.

Adjutant General's Office,
Lancaster, February 9, 1826.

Sir—I have the honor of inclosing a detailed report of the militia and volunteers of the state, exhibiting the counties forming divisions, the names of the major generals, brigadier generals and brigade inspectors, the regiments in each brigade, the strength of each regiment, brigade and division, with the volunteers in each brigade, whether attached to militia regiments or organized in battalions or regiments, and the arms in their possession so far as returns of the same have been made to me by the brigade inspectors. The grand total of which is 165,618, viz:

Governor and Commander in Chief,	1	
Major General,	16	
Brigadier Generals,	32	
Adjutant General,	1	
Staff of general officers,	156	
Infantry (militia), including officers,	135,546	
Volunteer Cavalry, 34 troops,	1,737	
Do. Artillery, 31 companies,	1,956	
Do. Infantry, 262 companies,	16,493	
Do. Riflemen, 159 companies,	9,680	
		<hr/>
		29,866
		<hr/>
		165,618

Although I have waited until this late period, it is not in my power to make report of the ordnance, camp equipage, and military stores in the state arsenals, as two of the keepers thereof have not furnished their annual returns. So soon as I shall be enabled to make this necessary report, it will be done.

I last year submitted for your consideration, and that of the legislature, my views on subjects appertaining to this department. I must be permitted to repeat, that the volunteers in every section of the state want arms. It is not in my power to satisfy them unless provision be made for the repair of some of the muskets in the state arsenals. At a small expense about 500 in the arsenal at Philadelphia, and perhaps 1,000 in that at Harrisburg, might be repaired: The necessity of this is so obvious, that I feel confident an appropriation will be made by the legislature for the purpose. An appropriation is also very necessary for the preservation of the camp equipage, and military stores in the state arsenals; and for the repairs and alterations of the two buildings in Philadelphia and Harrisburg, as mentioned in my last report.

The several artillery companies in the state are indulging the hope that the present legislature will direct them to be furnished with the proper system of discipline, as has been done with cavalry, infantry and riflemen. I have heretofore stated my opinion on this subject, and beg leave here to refer to it.

I have lately been informed that the gentleman who printed and supplied the discipline for infantry and also for light infantry and riflemen, has on hand about 400 copies of each, which he is willing to sell to the state at a reduced price. As it is believed that these books will be put in the market, and very probably be carried out of the state, it is worthy of consideration, whether they ought not to be secured for the use of the new regiments which are annually forming.

I have lately been much engaged agreeably to the provisions of the act of the 29th March, 1824, in endeavoring to effect an adjustment and settlement with the government of the United States of the accounts between this state and the United States, for arms, munitions of war, camp equipage, &c., which passed between the two governments during the late war. It is a most arduous duty, and the difficulties to be overcome, after a careful investigation of the accounts, and an examination of the numberless vouchers, &c., have been such as to require all the ingenuity and knowledge I possess. The delay

which has taken place in the settlement since my appointment as Adjutant General, was unavoidable on the part of the state, and was thus caused: The U. S. officer who has been entrusted with this settlement, and who has made himself thoroughly acquainted with the accounts, arranged the vouchers, &c., left this state about the first of October, 1824, for the state of Missouri, from which he did not return until the beginning of January last. So soon as I was informed that he was expected in Washington city, I immediately went there, and during my stay made such progress, as induces me to believe and hope that before the close of the present session of the legislature, a settlement of the whole account will be effected. While at the seat of government, I procured an order to be issued from the War Department, for the exchange of the 3,050 German muskets remaining in the state arsenal at Philadelphia. I immediately wrote to major Sharp the keeper of our state arsenal, to have the exchange made, but I am sorry to say, that owing to the condition in which these German muskets were found to be, on opening the boxes, some difficulty has arisen and the exchange has not taken place. Should the officer of the United States refuse to receive them in their present state, some legislative provision will be necessary to enable me to effect so desirable an object, as the exchange of them. I presume they could be cleaned at a trifling expense.

Before concluding this report, you will pardon me for calling your attention to other subjects. The duties devolving on the adjutant general are numerous; and the labor to be performed by him is very great. I find it almost impossible to answer the various letters sent to me, and I believe my annual salary would not compensate a clerk for copying into the letter book, the letters which I am obliged to write. The clerk hire alone, which I have actually paid in the last quarter, exceeds the salary I am to receive. Under these circumstances, it may well be asked, why do I hold the office? My answer is, I believe that the knowledge which I now possess of the accounts between this state and the United States, and the progress which has been made in the settlement of the same, will enable us to effect a speedy and an advantageous settlement. In the proper adjustment of these accounts, the state is most deeply interested. It is therefore a duty I owe the state to persevere, even at a sacrifice of both time and money. It is however for the legislature to say whether the state is not interested in having the duties which now devolve on the adjutant general

properly attended to, and whether this can be expected without a sufficient remuneration.

I am, with sentiments of the

Highest respect and esteem,

Your friend and obedient servant,

G. B. PORTER,

Adjutant General of Pennsylvania.

His Excellency J. Andrew Shulze, Governor of Pennsylvania.

To the Assembly with Documents from Indiana Disapproving of the Tennessee Propositions Relative to the Elections of President and Vice President and Members of Congress.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO you a copy of a letter from the governor of the state of Indiana, together with a copy of certain resolutions of the legislature of said state, viz.

A resolution by the legislature of that state, disapproving of the amendment proposed to the constitution of the United States, by the state of Tennessee, relative to the election of president and vice-president.

A non-concurrence by that legislature of a proposition by the legislature of the said state of Tennessee, proposing that no member of Congress shall be eligible to any office, during the period for which he shall have been elected, and for six months thereafter, except appointments in the regular army or navy of the United States.

J. ANDW. SHULZE.

Harrisburg, February 22, 1826.

DOCUMENTS.

Executive Department,

Indianapolis, Indiana, January 25, 1826.

In obedience to the enclosed resolution, I have the honor herewith of transmitting to you a joint resolution of the general

assembly of the state of Indiana, disapproving of the amendment proposed to the constitution of the United State, by the state of Tennessee, passed November 25, 1825.

Most respectfully, your obedient servant,

J. BROWN RAY.

To his excellency the Governor of Pennsylvania.

A joint resolution disapproving the amendment proposed by the state of Tennessee, to the constitution of the United States.

Resolved, By the general assembly of the state of Indiana, that it is inexpedient to make the amendment to the constitution of the United States, on the subject of electing president and vice president of the United States, as proposed in the resolutions of the general assembly of the state of Tennessee, passed November 25, 1825; and that this general assembly do hereby disapprove of the same.

Resolved, That this general assembly do also disapprove of the amendment to the constitution of the United States, as proposed be the resolutions of the general assembly of Tennessee aforesaid, providing that no member of congress shall be eligible to any office within the gift or nomination of the president of the United States, during the period for which he shall have been elected, and for six months thereafter, except appointments in the regular army or navy of the United States.

Resolved, That his excellency the governor be, and he is hereby requested to transmit a copy of the foregoing resolutions to the governors of the different states, and to each of our senators and representatives in congress.

To the Assembly with Documents from Maine Disapproving of the Tennessee proposed Constitutional Amendments and from Delaware relative to a Canal on Brandywine Creek.

Gentlemen—

I HAVE RECEIVED FROM THE GOVERNOR OF the state of Maine, a copy of a resolution of the legislature of that state, on the subject of an amendment to the constitution of the United States,

proposed by the legislature of the state of Tennessee, which, together with a copy of a letter from the governor, I have the honor to lay before you.

I also have the honor of transmitting to you a copy of a letter of the governor of the state of Delaware, together with a copy of the proceedings of the House of Representatives of that state on the resolution of the legislature of Pennsylvania, relative to a canal and lock navigation on the Brandywine creek.

J. ANDW. SHULZE.

Harrisburg, March 3, 1826.

DOCUMENTS.

State of Maine.

Executive Department,
Portland, February 20, 1826.

Sir—In compliance with the request contained in the enclosed resolution of the legislature of Maine, I transmit a copy thereof to be laid before the legislature of the state over which you preside.

With high consideration, I am, sir,
Your obedient servant,

ALBION K. PARRIS.

His Excellency the Governor of Pennsylvania, Harrisburg.

State of Maine.

Resolve against the amendment to the constitution, proposed
by Tennessee.

Resolved, That the amendment to the constitution of the United States, proposed by the general assembly of the state of Tennessee, on the twenty-fifth of November last, and forwarded to the governor of Maine, is not approved by the legislature of this state. And the governor is requested to transmit a copy of this resolve to the executive of each of the United States.

Executive Department,
Dover, 22d February, 1826.

Sir—I have the honor to transmit to your excellency a certified copy of the proceedings of the House of Representatives

of the state of Delaware, on the communication of your excellency, in relation to the canal and lock navigation of the Brandywine creek.

And to be, very respectfully,

Your most obedient servant,

SAMUEL PAYNTER,

His excellency J. Andrew Shulze, Governor of Pennsylvania,
Harrisburg.

The committee to whom was referred so much of the Governor's message, as relates to the communication by the Governor of Pennsylvania, of an act of the General Assembly of that commonwealth, passed on the 28th March, 1820, entitled "An act to revive certain acts in relation to the canal and lock navigation of the Brandywine creek," and of a resolution of the General Assembly of that commonwealth, adopted on the 25th March, 1825, inviting the adoption of a similar law by the legislature of this state, have given to the subject a respectful and attentive consideration, and beg leave to report,

That the various and valuable manufactories established within this state on the Brandywine creek, constituting a very essential source of its prosperity and wealth, the committee deem it a duty of the legislature to extend to them every advantage which it can do consistently with what it owes to the other great interests of the state, and its constitutional powers; and that it is especially incumbent on it, to avoid and sedulously to guard against the adoption of any measure which might prove in its consequences detrimental to the interests of these valuable establishments. On the subject which has been referred to them, the committee did not find it necessary to resort to the information of others to enable them to come to the conclusion, that the opening of a canal from the head of the Brandywine to the Christiana creek, which was to derive its supply of water exclusively from the former stream, could not fail to produce consequences against which they conceive it to be the duty of the legislature to guard. The manufactories on that stream, it is well understood, require all its water for their own proper purposes, and it is further understood, that during the summer season all the water in the stream, has, for some years past, furnished an inadequate supply for these purposes; the committee have direct information on this point, now in their possession, from a source which is entitled to the fullest confidence, and which is conclusive with them, that no water can be drawn from this stream for

the object contemplated by the act of Pennsylvania, without producing ruinous consequences to the important interests concerned. They have also learned that the commissioners appointed to carry into effect the act of Pennsylvania, residing in this state, were so deeply persuaded of the evil which was likely to ensue from the measure, that they not only refused to act in that capacity, but as individuals exerted all their influence against it; a fact of great weight with the committee because the gentlemen alluded to, were, from their intelligence and their local knowledge, perfectly competent to decide correctly on this subject. The spirit of internal improvement which now pervades the country, and so laudably actuates the councils of Pennsylvania has no doubt suggested the present application, and it will afford a high gratification to the committee to have it in their power to recommend the adoption on this occasion of a co-operating act, consistently with the duty they owe to their constituents. Having devoted to this subject the consideration due to an important communication from a respectable sister state, the committee have come unanimously to the conclusion, that it would be highly inexpedient to accept the invitation contained in the communication from the governor of Pennsylvania, which is referred to in the message of the governor to the general assembly, and they therefore request that they may be discharged from the further consideration of this subject.

Extract from the journal of the House of Representatives.

To the Assembly with Documents from the Canal Commissioner and from Mississippi Concerning the Emancipation of Slaves.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO you a copy of a letter from John Sergeant, Esquire, president of the board of canal commissioners, relative to an additional appropriation, and also a recommendation to increase the number of the present board of commissioners, &c.

I also have the honor to transmit to you, a copy of a letter of the Governor of the state of Mississippi, to-

gether with a copy of a report and resolutions of the legislature of that state, relative to the gradual emancipation of slaves.

J. ANDW. SHULZE.

Harrisburg, March 10, 1826.

DOCUMENTS.

Canal Commissioner's Office,
Philadelphia, March 6, 1826.

Sir—The canal commissioners, having carefully considered the provisions of the existing laws, with a view to the efficient execution of the intentions of the legislature, have directed me to communicate to your excellency the result of their deliberations, in order that if the suggestion they have respectfully to offer should meet your approbation, and be deemed worthy to be recommended to the legislature, they may be presented with the weight of your excellency's sanction.

The magnitude and importance of the duties devolved upon the commissioners, and the propriety of fulfilling them with all reasonable expedition, will make it necessary to have frequent meetings, and to distribute the details of business among the commissioners, and, we may be allowed to add, render it desirable that the board should be strengthened. The board are therefore of opinion that the number of commissioners might be advantageously increased, and they would respectfully suggest the addition of four to the number already authorised by law, making in all nine. It is not their view, however, that the number necessary to constitute a quorum should be greater than at present. They are of opinion, and respectfully suggest, that the difficulties they have apprehended, and are desirous to avoid, would not be lessened by enlarging the commission, if at the same time the quorum necessary for the transaction of business should also be enlarged. They propose that three commissioners should continue to constitute a quorum.

They would further respectfully suggest, that the designation of an acting commissioner may not at all times be necessary or expedient, and the decision in this respect seems to have been intended by the legislature to be left to the discretion of the board. But, if the commissioners have rightly interpreted the act of the present sessions, no money can be drawn for the construction of the canals but by an order in favor of an acting commissioner, and then it is to be received by such

acting commissioner. It is respectfully submitted whether until an acting commissioner is designated, or when none such shall exist, the board might not be authorised to draw the needful money, under suitable restrictions and limitations, and apply it to the purposes of the act.

I am also directed by the board to inform your excellency, that in their opinion a further appropriation of at least twenty thousand dollars will be requisite for the work to be done during the approaching season under the "Act to appoint a board of canal commissioners." After paying all the expenses incurred during the past season, there will remain a balance of the former appropriation exceeding twelve thousand dollars. A considerable addition, it is estimated, will be required to meet the expenditures of the approaching summer, as the work to be done will be more extensive, and some of it much more costly than that which has hitherto been executed.

In offering these suggestions, which are submitted with great deference, the board are influenced by no other motive than an anxious desire to contribute what may be in their power to give effect to the wishes of the legislature.

With great respect, sir,

Your most obedient servant,

JOHN SERGEANT,

President, Pennsylvania Canal Commissioners.

His Excellency J. Andrew Shulze, Governor of Pennsylvania.

Executive Office,

Jackson, Miss., February 4, 1826.

Sir—Conformably to the request of the legislature, I transmit to your excellency, the within report and resolutions; and request that they may be laid before the legislature of the state over which you preside.

I have the honor to be,

With the highest respect,

Your obedient servant,

DAVID HOLMES.

To his excellency the Governor of Pennsylvania.

In the House of Representatives.

The select committee to whom was referred the communication of his excellency the Governor, and the accompanying resolutions of the legislatures of the states of New Jersey, Connecticut, Delaware, Indiana and Illinois, on the subject of the abolition and general emancipation of people of color, held

in servitude in the United States, having had the same under consideration, beg leave to report:

That under the constitution and laws of our country, the right of property in slaves, is as sacred and inviolate as that of any other species of personal property whatever. However great may be the national evil of slavery, and however much we may regret it, circumstances over which we could have no control have rendered it inevitable, and places it without the pale of legislative authority. We therefore, cannot concur in any arrangement for their emancipation by any legislative enactment, without violating the constitutional rights of our citizens. Any interference in our own internal concerns upon subjects of this kind, is only calculated to engender feelings of prejudice, which, if fostered by the continued efforts of the non slave holding states in persevering in their efforts, may eventually produce consequences deplorable to society, and tend to weaken that bond of union and fellowship, which should exist between all the members of the same confederacy. Your committee conceive, also, that any measures which might be taken by other states to ameliorate the condition of the slaves; would tend rather to aggravate, than relieve their misfortunes. By a gradual emancipation the hopes and prospects of those who remain in slavery, would be so far excited as to create a spirit of discontent and of insurrection; which might not only endanger the interests, but the personal safety and lives of our citizens. And it is, therefore, with serious apprehensions for our peace and safety, that your committee witness the combined efforts of several of the non-slave holding states in their behalf. By holding out the semblance of aid and prospect of freedom, they might be easily stimulated to rebellion, and our citizens might fall victims to a policy against the exercise of which they protest, and in which policy they are determined not to participate.

We, therefore, most sincerely deprecate, and will continue firmly to resist all interference on the part of other states. The southern states, who suffer, and are compelled, from circumstances, to endure the evil, ought to be the best judges of the remedy; and so soon as they can concur in any expedient for their relief, it will be time enough to adopt it. This state, in the language of Georgia, "claims the right with her southern sisters whose situation is similar, of moving this question when an enlarged system of benevolence and philanthropic exertions in consistency with her rights and interests shall render it practicable."

Your committee therefore ask leave to recommend the following resolution to accompany this report:

Resolved by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, That the resolutions of the states of Delaware, Connecticut, Illinois and Indiana, concurring with a resolution of the state of Ohio, proposing the emancipation of slaves, passed on the seventh day of January, one thousand eight hundred and twenty-four, together with a resolution from the state of New Jersey, recommending a system of foreign colonization to be adopted to effect the entire emancipation of slaves, be, and the same are hereby disapproved by the legislature of this state; and that his excellency the Governor, be hereby requested to transmit a copy of this resolution and report to the executive of each of the United States.

To the Assembly with a Document from Maryland
Concerning the Susquehanna and Patapsco Canal.

Gentlemen—

I HAVE DIRECTED THE SECRETARY OF THE Commonwealth to lay before you a copy of a letter from the Governor of the state of Maryland, together with a copy of an act of the legislature of that state, entitled "An act to incorporate the Susquehanna and Patapsco Canal Company."

J. ANDW. SHULZE.

Harrisburg, March 21st, 1826.

DOCUMENTS.

Council Chamber,

Annapolis, March 9th, 1826.

Sir—In compliance with the last section of the enclosed act of the General Assembly of Maryland, just passed, I do myself the honor to transmit to your excellency an authentic copy of the said act, and beg leave to request that you will submit

it to the consideration of the legislature of the state over which you will preside.

With the highest consideration,

I have the honor to be,

Your excellency's most

Obedient humble servant,

JOSEPH KENT.

His Excellency J. Andrew Shulze, Governor of Pennsylvania.

To the Assembly with Documents from Louisiana
Non-concurring in the Ohio Proposition for the
Emancipation of Slaves.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO you a copy of a letter from the Governor of the state of Louisiana, together with a copy of a resolution of that state, non-concurring in certain resolutions adopted by the legislature of the state of Ohio, proposing a plan for the gradual emancipation of slaves.

J. ANDW. SHULZE.

Harrisburg, March 28, 1826.

DOCUMENTS.

Executive Department,

New Orleans, February 16th, 1826.

Sir—In compliance with the request of the legislature of this state, I have the honor to transmit to you a copy of a resolution of the said legislature, passed at their present session, and to request that you will be pleased to lay the same before the legislature of the state over which you preside.

I am with great respect,

Your excellency's obedient servant,

H. JOHNSON.

To his excellency the Governor of the state of Pennsylvania.

Resolution.

Resolved by the Senate and House of Representatives of the state of Louisiana, in General Assembly convened, That this

legislature does not concur in certain resolutions adopted by the General Assembly of Ohio, at their session, in the year one thousand eight hundred and twenty-four, proposing a plan for the gradual emancipation of slaves, and that the Governor be requested to transmit a copy of this resolution to the executives of each of the United States.

Proclamation of the Election of Thomas H. Sill as a Representative of Pennsylvania in the United States Congress.

Pennsylvania ss.

[Signed] J. Andw. Shulze.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By J. ANDREW SHULZE, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas by a return duly made by the judges of a special election held in the eighteenth congressional district of this Commonwealth, composed of the counties of Erie, Crawford, Mercer, Warren and Venango, on Tuesday the fourteenth day of March instant, under the authority of an act of the General Assembly, passed the eighteenth day of February, one thousand eight hundred and five, it appears that Thomas H. Sill was duly elected to serve as a representative of this State in the House of Representatives in the Congress of the United States, to supply the vacancy occasioned by the death of Patrick Farrelly, Esq'r.: And Whereas, in and by one other act of the General Assembly, passed the second day of April, one thousand eight hundred and twenty-two, it is made the duty of the Governor, on the receipt of the returns of such elections, "to declare

by proclamation the name or names of the person or persons returned to him as duly elected in each respective district:" Now therefore, I have issued this proclamation, hereby publishing and declaring that the said Thomas H. Sill is duly elected and chosen as a representative of this State in the House of Representatives in the Congress of the United States, during the remainder of the time for which the said Patrick Farrelly was elected to serve.

Given under my hand and the Great Seal of the State, at Harrisburg, this twenty-ninth day of March, in the year of our Lord one thousand eight hundred and twenty-six, and of the Commonwealth the fiftieth.

By the Governor.

I. D. Barnard,

Secretary of the Commonwealth.

Proclamation of Reward for the Apprehension of the Person or Persons guilty of the Murder of Jacob Swineford of Union County.

Pennsylvania ss.

[Signed] J. Andw. Shulze.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. By J. ANDREW SHULZE, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas, from the Coroner's inquest, and other authentic documents, I have received information that a certain Jacob Swineford, late of the County of Union in this Commonwealth, was on the evening of the fourth day of the

present month barbarously and cruelly murdered in the Borough of Lebanon by one or more persons unknown, who have fled from justice, and all efforts to arrest the offender or offenders have hitherto proved ineffectual: And Whereas, the reputation of the Government, the peace and security of its citizens, and the obligations of justice and humanity require that the perpetrators of offences so atrocious should be brought to speedy and condign punishment, I have therefore thought it proper to issue this proclamation, hereby offering a reward of one hundred dollars to any person or persons who shall apprehend and secure the perpetrator or perpetrators of the said murder in any jail within fifty miles of the place where the same was committed, and the further sum of one hundred dollars in addition to the first mentioned sum, if the offender or offenders shall be apprehended and secured in any jail of this Commonwealth at any greater distance than fifty miles from the place aforesaid: And all Judges, Justices, Sheriffs, Coroners, Constables, and other officers within this Commonwealth according to the duties of their respective offices are hereby required and enjoined to be attentive and vigilant in enquiring after and bringing to justice the perpetrator or perpetrators of the crime aforesaid.

Given under my hand and the Great Seal of the State, at Harrisburg, this fourteenth day of July, in the year of our Lord one thousand eight hundred and twenty-six, and of the Commonwealth the fifty-first.

By the Governor.

James Trimble, Deputy Sec'y.

Proclamation of Reward for the Apprehension of
Thomas Dumm, charged with the Murder of John
Frey, of Berks County.

Pennsylvania ss.

[Signed] J. Andw. Shulze.



IN THE NAME AND BY THE AU-
thority of the Commonwealth of
Pennsylvania. By J. ANDREW
SHULZE, Governor of the said Com-
monwealth.

A PROCLAMATION.



Whereas, I have received an
authentic copy of an indict-
ment found a "true bill" by the
Grand Inquest enquiring for
the County of Berks at the
court of Oyer and Terminer
and General Jail Delivery held in and for said County in
this Commonwealth, against a certain Thomas Dumm
(the younger) for the felonious murder of John Frey
of said County, in the month of September last, and
that the said Thomas Dumm has fled from justice, and
all efforts to arrest the said offender by the officers of
justice have hitherto proved ineffectual: And Where-
as the reputation of the Government, the peace and
security of its Citizens, and the obligations of justice
and humanity require that the perpetrator of an offence
so heinous should be brought to speedy and condign
punishment, I have therefore thought it proper to issue
this proclamation, hereby offering a reward of fifty
dollars to any person or persons who shall apprehend
the said Thomas Dumm (the younger) in the said
County of Berks, or within fifty miles of the place
where the said murder is alleged to have been com-
mitted, and secure him in the jail of the County of this

Commonwealth in which he may be apprehended within that distance; the sum of one hundred dollars if the said offender shall be apprehended within this Commonwealth and more than fifty miles from the place of the alleged murder, and secured within any jail of the Commonwealth; and the sum of two hundred dollars if he shall be apprehended and secured without the limits of the State: which sum or sums are to be paid on the conviction of the offender of the crime aforesaid. And all Judges, Justices, Sheriffs, Coroners, Constables, and other officers within this Commonwealth, are hereby required and enjoined to be attentive and vigilant in enquiring after and bringing to justice the alleged perpetrator of the crime aforesaid.

Given under my hand and the Great Seal of the State, at Harrisburg this twenty-first day of November, in the year of our Lord one thousand eight hundred and twenty-six, and of the Commonwealth the fifty first.

By the Governor.

I. D. Barnard, Sec'y of Com'th.

Proclamation of Reward for the Apprehension of
John Sowers, charged with the Murder of Michael
Haggan, of Lancaster County.

Pennsylvania ss.

[Signed] J. Andw. Shulze.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By J. ANDREW SHULZE, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas, I have received an authentic copy of an indictment found a "true bill" by the grand inquest inquiring for the County of Lancaster, at the Court of Oyer and Terminer and General Jail Delivery, held in and for said County, in this Commonwealth, against a certain John Sowers, late of the said County, for the felonious murder of Michael Haggan, of said county, on the third day of the present month; and that the said John Sowers has fled from justice, and all efforts to arrest the said offender have hitherto proved ineffectual: And Whereas, the reputation of the Government, the peace and security of its Citizens, and the obligations of justice and humanity require that the perpetrator of an offence so heinous should be brought to speedy and condign punishment: I have therefore thought it proper to issue this proclamation, hereby offering a reward of fifty dollars, to any person or persons who shall apprehend the said John Sowers in the said County of Lancaster, or within fifty miles of the place where the said murder is alleged to have been committed, and secure him in the jail of the County of the

Commonwealth, in which he may be apprehended, within that distance: the sum of one hundred dollars if the said offender shall be apprehended within this Commonwealth, and more than fifty miles from the place of the alleged murder, and secured within any jail of the Commonwealth; and the sum of two hundred dollars if he shall be apprehended and secured without the limits of the State; which sum or sums are to be paid on the conviction of the offender of the crime aforesaid: And all Judges, Justice, Sheriffs, Coroners, Constables, and other officers within this Commonwealth, are hereby required and enjoined to be attentive and vigilant in inquiring after and bringing to justice the alleged perpetrator of the crime aforesaid.

Given under my hand and the Great Seal of the State, at Harrisburg, this twenty-seventh day of November, in the year of our Lord one thousand eight hundred and twenty-six, and of the Commonwealth the fifty-first.

I. D. Barnard,

Secretary of the Commonwealth.

Annual Message to the Assembly—1826.

Fellow Citizens—

THE YEAR WHICH IS ABOUT TO CLOSE HAS been to our country, in many respects, an eventful one. The jubilee of our independence was marked by events which have arrested the attention of the civilized world. On that memorable day died two of the most eminent men of our country. How abundant of reflection! How full of instruction! How pregnant with the example are the lives, and the deaths of those founders of the republic. Who can reflect upon them without being benefitted? Let these events make us cherish more dearly than ever, the remnant of our revolutionary statesmen and soldiers; and by all just

and honest means manifest our gratitude for their services, by making their latter days comfortable and happy.

Some of the wisest and best men of our nation have been called upon, and have cheerfully poured forth tributes of praise and grateful respect to the memory of the author of the declaration of independence, and of its ablest advocate. The people have assembled together, in almost every district, to hear of the sayings and doings of those illustrious men. Every eye has rested on, and every ear has been open to, the orators who have stood forth to do justice to the mighty dead. Our printing presses have groaned under the weight of thousands of eulogiums; yet the people still hunger and thirst after all which may yet be said of our truly illustrious and beloved countrymen. These are good feelings arising out of good principles and good deeds. There is no nation—there never has been a nation, that would not have been proud of such sons as Thomas Jefferson and John Adams. They are embodied in the minds eye of the nation; and their deaths, on the ever memorable jubilee of independence, has hallowed their memories in the hearts of the people. There may be those who think, that in paying this humble tribute to the memory of Adams and of Jefferson, I have not strictly kept within the line of that duty which the constitution prescribes to the chief magistrate—it may be so: to such I would say, that the privilege thus reverently to bow down before the tombs of the illustrious dead, and pay homage of my highest consideration, however it may be envied, would surely not be denied, by any who venerate the memory of those who in times of peril and danger, dared, in the face of embattled thousands to sign the charter of our independence.

We meet, fellow-citizens, under many circumstances of felicitation. Peace and plenty dwell within our borders. The blessings of religious toleration, of po-

litical and civil liberty are ours; more abundantly are they shed upon us, than upon any people upon the earth. Persecution of opinion, even in its mildest form, is not known amongst us. We, more than any nation on the globe, have cause to lift up our hands, and our voices, and our hearts to the giver of every good and every perfect gift, for the fullness with which he pours upon us all the good things which we are able to enjoy and appreciate. While, fellow-citizens, it is our more immediate duty to watch over our particular commonwealth, and promote its prosperity and happiness, we cannot be indifferent to, or unobservant spectators of, the proceedings of the general government of the vigilance with which it keeps watch over the general weal, and the fostering care with which it every where protects the rights and interests of our common country. The panoply of the nation is extended over every citizen and over all his concerns. We no where hear of wrong or injustice done to the rights or the property of an American but we hear also of the interference of the arm of the general government through some of its agents to assure redress. This state of things is peculiarly gratifying, at a time when all the energies and abilities of the state government are required to take advantage of our local position, and wisely and judiciously appropriate our resources, in the best manner, to promote the best interests of the commonwealth.

The disinterested and patriotic character of Pennsylvania, has, at all times manifested itself in a disposition to support good principles and good measures calculated to advance the general welfare. Enjoying her own rights and pursuing her own policy, she has never indulged an ambition to be distinguished by extraordinary influence in the affairs of the general government, nor has she inclined to lend her strength for the advancement of individuals or the accomplishment of projects of doubtful utility. Contented to advance

whatever is calculated to promote the public interest and to maintain the free principles of the constitution, leaving to her the undisturbed enjoyment of her own appropriate sphere of action, she has preserved, at all times, a tranquil and dignified attitude, disposed to give her aid to those by whom the great interests of the country were faithfully supported. Such continues to be her position and her policy.

The subject of inland navigation, engaged much of the time and attention of the last general assembly, and will doubtless deeply and anxiously occupy your thoughts and deliberations during the session just commenced. In the recess of the legislature it is believed, that all has been done which could have been done, to carry into effect the enactments of the late legislature on this most important subject. In conformity to law, a loan has been procured on terms the most favorable which could be obtained. The additional members to the board of canal commissioners, were promptly added and the board have been employed in ascertaining the best, most practicable and most economical route, by which to carry into full effect, the objects believed to be contemplated by the last general assembly. From that board, a full and satisfactory report may be confidently expected early in the present session. It shall, with all promptitude, be laid before you. I have much confidence in the clearness, frankness and ability with which the board will detail the facts, which their industry and perseverance shall enable them to ascertain. This document will be of great value in assisting to give clear views of the whole of those districts of country, through which it has been contemplated to run the Pennsylvania Canal. Coming, as you do, from every section of the commonwealth acquainted with the wishes, and zealous to promote the interest of your respective constituents, I cannot doubt but they will be

faithfully represented, and thus the prosperity of the whole State will be advanced. I trust it is not necessary for me to assure you of the great gratification it will afford me, to co-operate with you, in carrying into effect any and every measure, which shall promise to bring wealth and comfort into the commonwealth, and increase the happiness of our constituents, with whom we have a common interest.

The extent of turnpike, and other artificial roads in Pennsylvania, and the number of excellent bridges over our principal rivers, is greater than in any other state in the Union. The expenditures on those internal improvements, from the State Treasury, and from the coffers of individuals in Pennsylvania, have been to an amount far beyond the expenditures for similar purposes, over any equal extent of country in the U. States. An opinion, however, seems to prevail that in this commonwealth, little or nothing has been done to promote a system of internal communication by water. This opinion is not well founded, and is disproved by the public records, by the extensive water communications which are in successful operation and by the many hundred workmen, almost steadily employed in the state, on canals, locks and tunnels, independent of the surveys which are made and making to attain information essentially necessary to a wise and prudent prosecution of works commenced and contemplated.

On hundred and eight miles of inland navigation, have been completed by the Schuylkill navigation company, extending from the tide-water at Philadelphia, to Mount Carbon, in Schuylkill county. The Union Canal, extending from the Schuylkill near Reading, to the Susquehanna near Middletown, will be completed, it is expected, early in the next spring; thus opening a navigable communication between the rivers Delaware and Susquehanna. The eastern section of the Pennsylvania Canal, beginning at the western termination of

the Union Canal, and extending about twenty-five miles to the mouth of the Juniata, will be finished, it is confidently believed, in the next summer; and within the same time, it is also expected, that the western section may be open for navigation. The transportation by land, will thus be reduced, within one year, between Philadelphia and Pittsburg, to less than two hundred miles. I have passed unnoticed the valuable and ingenious improvements on the river Lehigh, and the immense sums expended by Pennsylvania, and the subscriptions of her citizens on the canal, which is to connect the Delaware and the Chesapeake.

Improvement is progressive, and is, in reference to the intelligence, the wants and the means of society. When heavy articles and bulky produce are to be conveyed, for any considerable distance, there can be no doubt, of the superiority of transportation by water. It brings the articles and produce so much nearer to market, that it gives a value to what would otherwise have rotted on the surface, or lain neglected in the bowels of the earth. It increases the value of his labour to the farmer, by lessening the charges of conveyance to market; and, for the same reason, enables him to get his returns at a cheaper rate. It raises the price of land, creates improvements, and by the consumption it occasions, and the mills and manufactories erected, establishes a market at home; the best of all possible markets.

These advantages are already realized, to a great extent, from the Schuylkill navigation and the improvement of the Lehigh, though yet in their infancy. The boats employed on the Schuylkill alone, give occupation to about five hundred men and boys; and each boat, with one horse, performs the work of at least seven wagons and twenty-eight horses. The consequence is that coal is carried to market at Philadelphia and there

supplied at a moderate price; it can even afford the charges of shipment to other parts of the Union, so that this valuable article, which abounds in Pennsylvania, is rapidly becoming a considerable item of trade. The returns to the country have, in like manner, experienced a reduction in the cost of carriage. They are carried from Philadelphia to Mount Carbon, for five dollars a ton, or twenty-five cents a hundred weight. Similar advantages are confidently expected from the great projected communication to Pittsburg and Lake Erie. It is still further of great importance by the consideration, that it would secure to the state the trade of the west, and a portion of the trade of the lakes, and, which is more important than all, will furnish an additional political and social tie of inestimable value. The report of the commissioners appointed to examine and survey the river Susquehanna, with their charts and estimates; that of the Union Canal Company, and all other similar reports, estimates and plans, shall be laid before you with all possible despatch. From the report of the commissioners you will discover what further improvements in the navigation of the river Susquehanna have been made during the last season. The commissioners uniting experience and practical knowledge, with vigilance and fidelity in performing the trust confided to them by the legislature, have, it is believed, judiciously and faithfully expended the money appropriated by law to this important object. To create a certain and safe navigation will be productive of great advantages to our citizens bordering on this majestic river and its tributary streams. To accomplish such a purpose and thereby afford increased facilities to market, will be deserving and no doubt will receive a due portion of your attention.

I have thus, gentlemen, laid before you such information as I have been able to collect in relation to facilitating water communication throughout our state, for-

bearing to accompany them by speculation or recommendations, from a thorough conviction that facts are all that are necessary to enable an enlightened and patriotic legislature to adopt such a course of conduct as shall best ensure the prosperity and happiness of its constituents. I commit this most important and deeply interesting subject to your wisdom, with perfect confidence, that the result of your deliberations will meet the approbation of the people of Pennsylvania; and, that it will be my pleasure, as it is my inclination, and my duty, heartily to co-operate with you in carrying into full effect the measures you may adopt.

By an act passed at the last session of the general assembly, the governor was authorised to borrow \$200,000 from those banks "the charters of which provide that they shall loan certain sums to the state, when required by law so to do, on conditions set forth in said charters." Of the sum thus authorised, \$160,000 have been borrowed; that sum being thought sufficient to defray the current expenses contemplated by the law. The provisions of the act of assembly made it imperative on the governor, not only to obtain the money from banks, but from that particular class of banks named in the act of assembly. For instance the bank of Pennsylvania, in which institution the state holds stock to a large amount, was, by the provisions of the act excluded from competition. To this bank the governor, therefore, could not apply, nor was it authorised to make any proposals for the loan, or any part of it. All the banks included in the act of assembly authorising the loan were called upon to state the amount they would furnish, and at what rate of interest. In return to these applications, about five hundred thousand dollars were offered on loan. The bank of Montgomery county loaned \$60,000, at an interest of $4\frac{3}{4}$ per cent. and the Farmers' banks of Lancaster loaned \$25,000 at $4\frac{1}{2}$ per cent. for the unexpired time of their charters. The

residue of the sum borrowed was obtained from the Harrisburg and Easton Banks, at an interest of 5 per cent. redeemable at the pleasure of the commonwealth. The whole sum was borrowed independent of, and unconnected with, the obligations of those banks to loan five per cent. of the amount of their capital stock to the state at an interest of five per cent.

It is suggested, for the consideration of the legislature, that hereafter, when money shall be wanted, on loan, for the use of the commonwealth, it could be obtained on more favorable terms, if authority was given to create negotiable certificates of stock of such sums as should be deemed most expedient. The amount borrowed to bear a certain interest, and the certificates not to be redeemable before a period fixed by law. Proposals, for the purchase of this stock, to be invited by public notice and the certificates to issue, in favor of such corporations, or individuals as should give the highest premium. It is believed that, under such provisions, the state could borrow, whatever money it might want at a lower rate of interest, than under the restrictions contained in the act of the last session. It is not thought that the issuing of certificates would be attended by any disadvantage, and that it would be an inducement to purchasers from the facility with which they could be disposed of. This recommendation has not been made by the governor without his having well considered the limitations of the powers of the individual states, which are contained in the tenth section of the first article of the constitution of the United States. He is not aware that the issuing of certificates of such a character as has been suggested, would be an infringement of the section referred to. The whole subject, important and delicate as it is, is submitted, with great confidence, to the wisdom and constitutional knowledge of the general assembly. It is further thought proper to suggest that, in the passing of laws

authorising the governor to borrow money for the use of the commonwealth, it would be better not to confine the negotiation for such loans to any particular banks, although it would be safe to provide, that if the sums required could not be obtained on as favorable terms as the banks are obliged, by their charter, to loan to the state, that then the governor might require the banks to make such loans, and to the extent that they are required by their charters to make the same to the commonwealth.

The reports of the Auditor General and State Treasurer, will exhibit such minute, and yet comprehensive details of the receipts and expenditures of the commonwealth, for the past year, and such data upon which to estimate the probable demands upon the treasury for the next year, and the means to meet those demands; as will put you, gentlemen, in possession of all the facts which, in all probability, will bear upon the financial concerns of the state, and thus enable you to graduate your appropriations so as best to promote the public welfare. You, fellow citizens, will feel with me the heavy responsibility which my station imposes, and that whatever may be our zeal, or anxiety, to perfect a system of internal improvement, especial care should be taken that our finances be kept unembarrassed, and that, in no case, shall expense be incurred without provision being made promptly to meet it. Before I leave this subject, I would take occasion to say that frequent intercourse with citizens from all parts of the state, induce apprehensions that a feeling of something like jealousy is insinuating itself into the minds of some of our fellow citizens in particular districts, from a belief, that their local interests are not so zealously protected and promoted as those of other portions of their fellow citizens. The existence of such feelings, and the immediate causes of them, is probably known to you gentlemen, and will keep you vigilant and watchful, that, so

far as is possible, the appropriations from the public treasury shall, as equitably as may be, benefit equally all sections of the state. Our fellow citizens, aware of the difficulties by which legislators are surrounded, will do well to guard against prejudices likely to induce distrust of the constituted authorities, founded on a belief that the representatives of the people can be unduly biased, or improperly influenced, to promote particular and local interests, rather than those of a more general and universal character.

In a country like ours, where all power, and the agents of all power, emanate from the great body of the people, the presumption always is, that the representatives of the people will labor, to the best of their judgment and knowledge, to do those things which will benefit all, rather than a part. It is, however, almost impossible so to legislate on internal improvement, as not, in the earlier stages of the business, to appear to favor the interest of certain sections, rather than, of the whole state, although thus to legislate shall eventually prove to have been the surest and most certain means to advance the welfare and happiness of all.

In obedience to a resolution adopted by the late general assembly, the governor, soon after its adjournment, appointed three commissioners to discharge the several duties set forth in the resolution, "relative to a revision of the penal code." The arduousness of these duties and their importance, impose much responsibility as well as laborious research and active inquiry on the commissioners. Their report, so soon as received, shall be laid before the legislature. I most anxiously hope that it may be of so full and unexceptionable a character as to warrant you, gentlemen, in acting upon it definitively at your present session. So deep are my convictions of the consequences, good or evil, which must inevitably result from the principles and system which shall be adopted, that nothing but

a desire to leave the subject with the commissioners and the general assembly could induce me to forbear from calling to your attention the high character our commonwealth has already attained from her endeavors, not altogether unsuccessful, to ameliorate her penal code and perfect her penitentiary system. Penal laws should be mild and judiciously graduated, but prompt and certain in operation. A penitentiary system, while its object is not only to punish, but to reform criminals, should always have the latter object in view, so that they may again be made respectable members of society.

It is believed, that under the new organization of the supreme court, a revision of the laws relative to the circuit court system, will claim your deliberate and special attention, and permit me to suggest than an arrangement of the districts for holding the supreme court might be made so as to give additional facilities to the general administration of justice. The United States Supreme Court sit at Washington during the sessions of congress, and it is thought that by the establishment, at this place, of a district, so that the supreme court of the state should hold a term during the sessions of the legislature, opportunities would be afforded of observing the manner in which the public business is transacted, and thus furnishing useful hints for legislative enactments in relation to the administration of justice.

The right of suffrage is one of the most precious rights of man. That it should be exercised in a uniform manner, according to the provisions of the constitution and laws, will not be doubted or disputed. Is it so exercised in Pennsylvania? Do the same qualifications entitle similar persons to vote in all our different counties? Or do different constructions entitle whole classes of persons to vote in one district, whose votes would be rejected in the next? Is the term free-

man, so construed in one district as totally to exclude, and in another freely to admit persons of colour to exercise the right of suffrage? Are not other required qualifications so construed as in one county to admit, and in another to exclude, numbers of persons from voting? In some counties the neglect of assessors, or tax collectors, jeopardise the right of individual suffrage, while in others, individuals are permitted to come forward without previous assessment, pay their taxes and vote.

I would earnestly recommend that the numerous laws now in force on these subjects be consolidated into one which shall clearly define the rights of the electors and the duties of the officers of elections, and direct that one copy of the law thus enacted shall be furnished for the use of every election district in the state. While on this subject, I would remark, that the increased population of Pennsylvania, calls for the printing of an additional number of the pamphlet laws of the general assembly, or the adoption of some more economical mode in their distribution.

There are other laws, of a generally interesting nature, which embrace the interests of large portions of our fellow citizens, to which I would call your attention. But I presume that the advantages of reviewing and consolidating in one law all that is desirable, in many laws which relate to a particular subject are so obvious; and the duty of consolidating them promptly so imperative, that the legislature will feel the obligations of duty and the claims of their fellow citizens to be sufficient motives, without any other recommendation. I may however, without obtrusiveness, be permitted again to recommend a thorough revision and consolidation of the laws, rules and practice which prevail in the several Orphans' courts in this commonwealth. The infinite variety of interests of persons, many of whom are peculiarly entitled to legislative

care, and the intrinsic importance of insuring uniformity in the decisions and practice of those courts will be received as abundant apology for again earnestly calling your attention to a subject involving the interests of branches of almost every family in the community.

The manly spirit manifested by our numerous volunteer corps, claims the fostering hand of the constituted guardians of the freedom and happiness of the people. Our volunteer associations may be regarded as the animating evidences of that civic military spirit, which is heroic in defence of our altars and firesides; which will not brook the imprint of a foreign enemy on our soil, and is jealous and intelligent in supervising the conduct, and resisting the unconstitutional encroachment, of any of our military or civil officers who would usurp authority, or feed their ambition at the expense of the freedom of our country. This is a spirit to be cherished by all people who desire peace, and love liberty. The returns of the adjutant general will give such information as to the number of our volunteers, the extent of our military equipments, tents and stores as will greatly assist the legislature to make such further provision as the gallant spirit of our volunteers and their ardent desire to improve in military discipline shall require.

In consequence of information that the United States have withdrawn all military force from Fort Mifflin, I instructed the Secretary of the Commonwealth to address the Secretary of War to ascertain whether the United States would, or would not continue to hold possession of the Fortifications and Island on which they are erected. The letter of the Secretary of the Commonwealth (No. 1) and those of the Chief Engineer (Nos. II & III) accompany this message, that the General Assembly may, with all the lights in my power to obtain, institute such inquiries and adopt such measures, if any shall be found necessary, as may be deemed expedient and proper.

There are facts in relation to our Commonwealth and our common country of so encouraging and heart cheering a character, that I feel strictly in the discharge of my duty when I recall them to the notice of those who are returned as the chosen delegates of the people. The fertility of the soil of Pennsylvania, the salubrity and excellence of her climate, the extent and plenty of her rivers, creeks and springs, and the industry and general good habits of her citizens are sure guarantees of general prosperity and of individual comfort and happiness. Those blessings, and sources of wealth, we have, in common with some of our sister states, but in addition, we have exhaustless beds of the best Iron Ore and of mineral Coal equal in quality and as abundant in quantity as any that are known to exist. The working of those mines has commenced on an extensive scale and is progressing with rapidity and success equal to our most sanguine hopes. From these most useful articles, therefore, we may expect wealth to flow in upon us and that they will essentially contribute to the erection of numerous forges and other valuable buildings and improvements throughout our state.

Highly, however, fellow-citizens as we estimate all honorable sources of wealth, and much as it is our duty to labor to make them productive, there is an inheritance above their price, and which as the legacy of our fathers and for its own intrinsic excellence we hold to be inestimable. You will understand me to allude to those sound practical political principles, and priceless institutions of government which were purchased by the best blood of our country. Never were the sublime effect of those principles and institutions more eminently displayed than on a recent remarkable occasion.

We rejoice to see the countries of South America emerging from worse than Egyptian darkness and despotism to enjoy the happiness which results from the

pure light of Independance and freedom, and we fervently hope that both may be firmly and happily established. Yet how can we but tremble for them when we see the sword gleam, and hear the battle cry when a Chief Magistrate is to be chosen, or a constitution of government established; and when we see one chief array himself against another, or both are arrayed against the constitutional authorities of their country.

How differently and how much more felicitously is our lot cast. How much more experienced and enlightened is our country! A chief magistrate is to be chosen, candidates present themselves of every side, their friends are ardent and sanguine, the feelings of the people are every where aroused and expectation and ambition are deeply excited. The polls are opened and closed, the votes are counted. Calculations, conjectures and predictions, infinite and irreconcilable are afloat, and hopes and fears alternately animate and depress the friends of the candidates in every state in the Union. At length the choice of the chief magistrate of our country is officially made known and all is again tranquil; all is submission under this constitutional designation of the future President of the United States. Those who advocated and those who opposed, all sit down content, assured that the constitution will be respected and the laws faithfully obeyed.

What a glorious commentary on our political principles and habits! What a happy state of things! What a blessed country! Long, fellow citizens, may we continue thus to enjoy, and thus to deserve, the invaluable political institutions, the foundations of which were laid by our forefathers.

J. ANDW. SHULZE.

December 6. 1826.

DOCUMENTS.

To the Secretary of the Commonwealth of Pennsylvania:

The commissioners appointed by an act of the general assembly, passed the 31st March, 1823, for the improvement of the river Susquehanna, from Columbia to tide, Report:

That in consequence of the several duties imposed on them, they availed themselves of the first opportunity of disposing of the improvements necessary to be made between Columbia and tide: But owing to some of the improvements of the preceding year not being finished, they were prevented from proceeding with this year's work with that rapidity they desired. However, they can say, that the contract from the head of the Maryland canal to Peach bottom, a distance of about four miles, and one at Whistler's bar and Turkey Hill Falls, about one and a half miles, both of which are nearly completed, will, when finished, they feel satisfied, fully prove the practicability of procuring a sufficiency of water to navigate the river at its lowest stage.

It is the intention of the commissioners the ensuing summer to perfect the navigation between the said points of Columbia and tide, so as to correspond with those contracted for, provided the situation of the river will admit.

Also, the said commissioners, under the act of the general assembly, passed 28th March, 1825, making an appropriation for the improvement of the navigation of the river, between the towns of Columbia and Northumberland, further report:

That they made contracts to about the amount of this year's appropriation, the most of which were completed, a statement of which, together with the receipts and vouchers are in the auditor general's office.

The commissioners deem it unnecessary at this time to give their views respecting the further improvement of the navigation of the Susquehanna river, as that will be fully exhibited in the report of Mr. Trezlyulny, engineer, appointed by the commissioners under the authority of a resolution of the general assembly, passed the 7th April, 1826, and who was attended by one or more of the commissioners during the whole time he was engaged in executing the duties assigned him by the said resolution.

The commissioners under a due sense of the responsibility confided to them in the improvement of the navigation of the Susquehanna river, conceive it their duty to report every obstruction placed in the river, to injure the ascending and de-

scending navigation, so that the legislature and the citizens who are interested in a free and uninterrupted navigation of the Susquehanna, may be apprised of the same. Notwithstanding the interest the legislature have taken in the enactment of laws to prevent the obstruction of the navigation by fish dams, wharves and batteries, yet the law is ineffectual or disregarded, particularly between the Conewago falls and the Maryland line; for so great is the desire to obtain fish, in disregard of all law and justice, that where the commissioners have constructed wing dams, immediately thereafter fish pots have been placed therein, thereby completely destroying the improvement. If the legislature could devise measures that would prevent the evil, it would be rendering essential service to the navigation.

The Pennsylvania canal commissioners, in locating the canal at Hunter's Falls, have enclosed the shore canal, thereby greatly injuring, if not altogether destroying the ascending navigation, at the best stage of the river for boating. As soon as we discovered the obstruction, we communicated the same to Mr. Mowry, the acting commissioner, with our views of what improvement would be necessary to make the navigation of the river as good as it was; and yesterday we examined the premises, and find that there is considerable work done at the large rock; but considerable more is necessary to be done to make the navigation as good as it was. However, Mr. Mowry has stated that those employed by him to remove the obstruction did not proceed with that rapidity that he desired, but that every exertion should be used to have it completed.

The commissioners further state that they are not able to render an account of the expenditures of the exploration, &c., under the authority of the resolution passed the 7th April, 1826, until after the engineer has completed the duties required by said resolution.

The following exhibits the amount of contracts and expenditures for the current year, on the appropriations from Columbia to tide, and from Columbia to Northumberland, the proper vouchers are filed in the office of the auditor general, to which they respectfully refer.

JABEZ HYDE, jr.

JOHN M'MEENS.

SAMUEL H. WILSON.

November 22, 1826.

Secretary's Office,

Harrisburg, September 15, 1826.

Sir—By an act of assembly of Pennsylvania, of the 15th April, 1795 (a copy of which is herewith transmitted), the right of this commonwealth to the island (then) called Mud Island, in the river Delaware, with all the improvements at that time on the same, was ceded to the United States, with the reservation, however, "that the state of Pennsylvania might at all times occupy the said island and fortifications whenever the same should not be possessed by a military force under the United States."

Information having been received by the governor, that the military force and property of the United States, have been withdrawn from the island and fort, now known by the name of Fort Mifflin, and that the works have been entirely abandoned, as a military post, I am instructed to inquire if such is the case, and if so, whether it is intended by the war department to again occupy them for military purposes, or if any objection will be made on the part of the United States, to the island and fortifications being taken possession of, and occupied by the state, agreeably to the proviso in the act of assembly referred to.

The island and works may be of considerable importance to Pennsylvania in various ways:—As a place of training volunteer artillery and other corps; as a depot for military stores of the state; and if the fortifications are kept in a proper state of repair and preservation, as a defence to Philadelphia in time of war. The object, therefore, in making these inquiries is, in case the island and fort are no longer to be held by the United States as a military post, and no objection is offered to their being occupied by the state, that such immediate measures may be taken for the latter purpose, and to prevent injury and destruction to the buildings and works, which will necessarily be very much exposed and liable to depredations, as may be considered necessary and proper, and within the power of the executive. I shall be gratified to receive a reply as early as convenient.

I have the honor to be,

Very respectfully,

Your obedient servant,

I. D. BARNARD.

Hon. James Barbour, Secretary of War.

Engineer Department,
Washington, September 20th, 1826.

I. D. Barnard, Esquire, Harrisburg, Pennsylvania:

Sir—Your communication addressed to the secretary of war, under date of the 15th instant, desiring to know the views of the government in regard to the disposition of Fort Mifflin, has been received, and referred to this department.

The secretary of war is now at his seat in Virginia, and is not expected to return to Washington for some weeks. In his absence, I cannot give you any certain information with respect to the object of your inquiries, except so far as to state that it is very probable Fort Mifflin will be retained by the United States, in its present state, as a second barrier in the plan of fortifications projected for the defence of the river Delaware; though it is not deemed of such importance in this respect, as to deserve any additional expense for its improvement.

Upon the arrival of the head of the war department at the seat of government, no time will be lost in submitting your communication to him, and making known to you the views of the government in relation to the subject of it.

I am, very respectfully,

Sir,

Your obedient servant,

ALEX. MACOMB,
Maj. Gen. Ch. Eng'r.

Engineer Department,
Washington, October 6, 1826.

I. D. Barnard, Esquire, Harrisburg, Pennsylvania:

In my letter to you of the 20th ultimo, in reference to the subject of your communication to the secretary of war, of the 15th of the same month, I stated the probable views of the government, in regard to Fort Mifflin, and that on the return of the secretary of war to Washington, the matter would be submitted for his decision. This has been done; and the views presented in my letter have been confirmed.

I am, with great respect,

Your obedient servant,

ALEX. MACOMB,
Maj. Gen. Ch. Eng'r.

Pennsylvania Loan.

Secretary's Office, May 1, 1826.

Notice is Hereby Given,

That in pursuance of the provisions of an act of the Legislature, authorizing the Government to borrow a sum not exceeding three hundred thousand dollars, passed the first day of April, 1826, entitled "An act authorising a loan for the commencement of the construction of the Pennsylvania canal, and for other purposes," sealed proposals for lending to the commonwealth of Pennsylvania, the sum of three hundred thousand dollars, or so much thereof as may be required by the state, will be received at this office until the first day of June next. It is required that the proposals shall specify the sum which the parties are willing to loan, and at what rate of interest, not exceeding five per centum per annum, payable half yearly. The principle to be re-imbursable at the option of the commonwealth, at any time after the expiration of twenty years from the first of December, 1826.

The money offered to be lent, if the proposals are accepted, is to be paid into the State Treasury, or deposited in the Bank of Pennsylvania, to the credit of the commonwealth, and upon the production of the Treasurer's or Cashier's receipt certificates of the stock will be signed by the Auditor General and countersigned by the State Treasurer, transferable either on the books of the Auditor General, or at the Bank of Pennsylvania.

I. D. BARNARD,
Sec'ry of the Com'th.

Pennsylvania Canal Loan.

Additional Notice.

By reason of information just received from the Board of Canal Commissioners, further notice is hereby given, that the sum of \$300,000, to be borrowed by the governor, agreeably to the notice from this office of the 1st inst., will be called for as follows, to wit: a sum not to exceed \$50,000, at any time after the 1st of July next, and the residue of said money, in such sums, and at such times, as the same may be wanted by the state, upon giving one month's notice thereof to the lender; but not more than \$100,000, to be drawn in any period of thirty days. The interest to commence when the money, as called for, is deposited to the credit of the commonwealth.

I. D. BARNARD,
Sec'ry of the Com'th.

Harrisburg, May 8, 1826.

Philadelphia, May 30, 1826.

Sir—In pursuance of your letter of the 1st and public notices issued from the "Secretary's Office," under dates of the 1st and 19th instant, to receive proposals for a loan of three hundred thousand dollars to the commonwealth, to bear an interest not exceeding five per cent. per annum, and re-imbursable at the option of the Government, any time after the 1st of December, 1846, we hereby offer on behalf of the Philadelphia Bank, and the Farmer's and Mechanic's Bank of Philadelphia, to loan the whole sum of three hundred thousand dollars, and to give for the same a premium of three and five-eighths per cent., that it to say, at the rate of one hundred and three dollars and 62½ cents for each and every hundred dollars of stock received to that amount.

We are, very respectfully,
Your obedient servants,

JOHN REED,
President of the Philadelphia Bank.
J. TAGERT,

President of the Farmer's and Mechanic's Bank.

I. D. Barnard, Esq., Secretary.

Harrisburg, June 2, 1826.

Gentlemen—I am directed to inform you, that the Governor has accepted of the proposals, offered by you, under date of the 30th of May, 1826, to loan to the commonwealth, the sum of three hundred thousand dollars, upon the terms and conditions contained in the notices from the Office of the Secretary of the Commonwealth of the 1st and 19th ult., of which the foregoing are copies, upon your paying therefor a premium of three and five-eighths per cent., that is, at the rate of \$103.62½ for every hundred dollars of stock.

I am with much respect,
Your obedient servant,

I. D. BARNARD.

To John Reed and Joseph Tagert, Esqrs., Presidents of the Philadelphia and Farmer's and Mechanic's Banks.

Secretary's Office,
Harrisburg, May 1, 1826.

Sir—In pursuance of the provisions of an act of assembly of the 1st of April, 1826, entitled "An act authorising a loan for the commencement of the construction of the Pennsylvania

Canal, and for other purposes," by which the governor is authorised to borrow, on the faith of the commonwealth, a sum not exceeding \$200,000, of the banks, the charters which provide, that they shall loan certain sums to the state, when required by law so to do, on conditions set forth in said charters, proposals will be received in writing, at this office, any time prior to the first day of June next, from the bank of which you are president, for lending to the commonwealth of Pennsylvania, the said sum of \$200,000, or any part thereof, for the unexpired term of the charter of said bank. The money loaned to be drawn from the bank in four equal instalments, on the first Mondays of July, October, January and March next; the interest to commence at these periods, and to be paid half yearly. The proposals will state what amount of said sum your bank is willing to loan, and at what rate of interest, not exceeding five per cent. per annum. It will be understood, that if the sums offered to be loaned by the several banks, shall amount to more than \$200,000, the governor may, at his discretion, accept the whole or any part of the sum which your bank may offer to lend to the commonwealth. If the proposals from your bank shall be accepted, due notice thereof will be given, and the requisite certificates furnished.

And notice is hereby given, agreeably to the provisions of the 8th section of the act of the 25th of March, 1824, entitled "An act to recharter certain banks," that the bank of which you are president is required to loan to the commonwealth, on the (here was inserted the time at which the money was required from the bank), the sum of five per cent. of its capital stock actually paid in, under, in pursuance of, and agreeably to the terms and conditions contained in said act, if the same, or any part thereof shall be required by the governor, on behalf of the state, from a failure to obtain the \$200,000 by loan, on the proposals above mentioned.

Be pleased to acknowledge the receipt of this notice as early as convenient.

Very respectfully,

Your obedient servant,

ISAAC D. BARNARD.

To the president of the }

Lancaster, May 17, 1826.

Dear Sir—Your letter of the 1st inst. was laid before the board of directors of the Farmer's Bank of Lancaster at their last sitting, and they have instructed me, as president of the

said bank, to offer you a loan of \$25,000, at four and a half per cent. per annum.

Very respectfully,

Yours, &c.,

WILLIAM JENKINS.

I. D. Barnard, Esq., Secretary of the Com'th.

Harrisburg, June 5, 1826.

Dear Sir—I am instructed by the governor to inform you, that he has accepted of the proposals offered by the Farmers Bank of Lancaster, to loan to the commonwealth the sum of \$25,000, at an interest of four and a half per cent. per annum, on the terms and conditions contained in my letter to the bank of the 1st of May last. I am further directed to enquire, whether it will be more convenient for your bank, that the whole of said sum should be drawn by the state on the first of July next than to draw the same in four equal instalments, as mentioned in my letter, as the state will receive the whole sum offered to be loaned, and the interest to commence on that day, if the bank shall prefer it. Your early reply on this subject is requested.

I am very respectfully,

Your obedient servant,

I. D. BARNARD.

William Jenkins, Esq., pres't. of the Farmers Bank of Lancaster.

Lancaster, June 9, 1826.

Dear Sir—I received your letter of the 5th inst., stating that the governor had accepted our proffered loan of \$25,000, at 4½ per cent. and desiring to be informed whether it would be equally convenient for the bank to pay the whole of it on the 1st of July next, bearing interest from that date. In answer to which I am instructed to say, that the state can draw the whole of it on that day if they think proper, and that, so far as respects the bank, it is perfectly convenient, and more desirable, as the whole of the money will be bearing interest from that date. Further, I am instructed to say, you can have \$25,000 more, at 5 per cent. payable the 2d October, or in instalments, as mentioned in your first letter, if you should see cause to receive it on these terms.

I am very respectfully,

Your obedient servant,

WILLIAM JENKINS.

I. D. Barnard, Esq., Secretary Commonwealth.

Harrisburg, June 12, 1826.

Dear Sir—Your letter of the 9th instant has been received, stating that it would be more desirable to the Farmers' Bank of Lancaster that the whole sum of \$25,000, borrowed by the state, should be drawn at one time—You will therefore deposit that sum in your bank to the credit of the commonwealth, on the first Monday of July next, on which day the interest will commence.

I am, respectfully,

Your obedient servant,

I. D. BARNARD.

William Jenkins, Esquire, President of the Farmers' Bank of Lancaster.

Bank of Montgomery County,

May 20th, 1826.

Dear Sir—We have enclosed the resolution of the directors of this bank on the subject of a loan to the commonwealth, mentioned in your favor of the first instant.

Very respectfully,

Your's, &c.,

JOS. THOMAS, Pres't.

I. D. Barnard, Esquire, Sec'y. Com'th., Pa.

At a full meeting of the board of directors of the Bank of Montgomery county, held at the banking house, on the twentieth day of May, A. D. one thousand eight hundred and twenty-six, the following resolution was passed, and ordered that it be signed by the president and countersigned by the cashier, the seal of the corporation to be thereto affixed, and transmitted to the secretary of the commonwealth, to wit:

Resolved, That this bank will lend to the commonwealth of Pennsylvania, for the unexpired term of its charter, the sum of sixty thousand dollars—to be drawn by the commonwealth from the bank in four equal instalments, on the first Mondays of July, October, January and March next.—Interest to commence at those periods, and to be paid half yearly, at the rate of four and three quarters per cent. per annum.

JOS. THOMAS, Pres't.

Seal of the bank of Montgomery county.

D. WOLMER, Cash'r.

Harrisburg, June 5th, 1826.

Dear Sir—I am instructed by the Governor to inform you, that he has accepted of the proposals offered by the Bank of

Montgomery county, to loan to the commonwealth the sum of \$60,000 (in part of the sum of \$200,000, authorised to be borrowed by him), for the unexpired term of the charter of said Bank, at the rate of four and three quarters per cent. interest, per annum, to be paid half yearly—to be drawn from the said Bank in four equal instalments, on the first Mondays of July, October, January and March next;—the interest to commence at those periods.

I am, with much respect,
Your obedient servant,

I. D. BARNARD.

Joseph Thomas, Esquire, President of the Bank of Montgomery county.

Harrisburg Bank,
May 18th, 1826.

Sir—Your letter of the first instant, on the subject of a loan to the commonwealth, was received by me at Lancaster, and on my return submitted to the board of directors of the Harrisburg Bank, which directed the following answer to be given:

The Harrisburg Bank agrees to loan to the commonwealth, one hundred thousand dollars, in four equal instalments, at the respective times mentioned in your communication, at an interest of five per cent, per annum, payable semi-annually, and on the condition that the several principal sums so loaned, be paid and reimbursed on the first Wednesday of May, 1837; and provided, that if this loan is not accepted or agreed to by the commonwealth, that then this institution will be ready to comply with the requisitions contained in the eighth section of the act of general assembly, passed the 25th of March, 1824, entitled "An act to re-charter certain Banks."

Your answer as early as circumstances will admit, will confer a favor on

Sir,

Your's respectfully,

THO. ELDER, Pres't.

Hon. Isaac D. Barnard, Sec'y of Com'wealth.

Harrisburg, June 13th, 1826.

Sir—Your letter of the 18th ult. containing proposals for a loan to the commonwealth, by the Harrisburg Bank, has been received, and I am instructed to inform you that the governor will accept, on behalf of the state, a loan from said Bank, of fifty thousand dollars, at an interest of five per cent. per annum, payable half yearly, for the unexpired term of the char-

ter of said Bank, reserving, however, the right to the state to re-imburse the principal sum, or any part thereof, at any time within the said period. The amount of said loan to be deposited to the credit of the commonwealth as follows, to wit: Ten thousand dollars on the first Monday of July next; thirty thousand dollars on the first Monday of October next, and the remaining ten thousand dollars on the first Monday of January next; the interest to commence at those periods. Be pleased to inform me as early as you conveniently can, whether the Bank will make the loan on said terms—If made, you will then consider the notice given in my letter of the first of May last, agreeably to the provisions of the act of the 25th March, 1824, entitled "An act to re-charter certain Banks," as withdrawn and annulled.

I am, very respectfully,

Your obedient servant,

I. D. BARNARD.

Thomas Elder, Esquire, President of the Harrisburg Bank.

Harrisburg Bank,

June 14th, 1826.

Sir—This institution agrees to make the loan of fifty thousand dollars to the commonwealth, on the terms specified in your communication of the 13th instant, and will give the proper credits in Bank, as may be requested, on the receipt of the usual script or certificates for the money, &c.

I am, sir, with respect,

Your obedient servant,

THO. ELDER.

Hon. Isaac D. Barnard, Sect'y of Com'wealth.

Easton Bank,

20th May, 1826.

The Honorable I. D. Barnard, Sec'y of the Common'th:

Sir—I have the honor to acknowledge the receipt of your letter of the first instant. Mr. Sitgreaves, the president of this institution's indisposition and long confinement to his houses, prevents his answering you himself.

I am instructed to offer on the part of the Easton Bank, to loan to the commonwealth for the unexpired term of the charter of this bank, fifty thousand dollars, at the rate of five per cent. per annum, to be drawn from hence in four equal instalments, on the first Mondays of July, October, January and

March next;—the interest commencing at those periods, payable half yearly,

I am, sir, very respectfully,

Your most obedient servant,

THO. M'KEEN, Cash'r.

Harrisburg, June 13th, 1826.

Sir—Your letter of the 20th ult. containing proposals from the Easton Bank, for a loan to the commonwealth, has been received, and I am instructed to inform you that the governor will accept, on behalf of the state, a loan from said Bank, of twenty-five thousand dollars, at an interest of five per cent. per annum, payable half yearly, for the unexpired term of the charter of the said Bank; reserving, however, the right to the state to re-imburse the principal sum, or any part thereof, at any time within the said period.

The whole amount of said sum to be drawn by the state, on the first Monday of January next, on which day the interest to commence. Be pleased to inform me as early as you can conveniently, whether your bank will make the loan on said terms—if made, you will then consider the notice in my letter of the first of May last, agreeably to the provisions of the 8th section of the act of March 25th, 1824, entitled "An act to re-charter certain Banks," as withdrawn and annulled.

I am, very respectfully,

Your obedient servant,

I. D. BARNARD.

Thomas M'Keen, Esquire, Cashier of the Easton Bank.

Easton Bank,
June 17th, 1826.

The Honorable I. D. Barnard:

Sir—Your letter of the 13th instant, was submitted to the directors of this Bank; and I am instructed to inform you that the Easton Bank is willing to make the loan of twenty-five thousand dollars, to the commonwealth, at five per cent. per annum, payable half yearly, the principal to be redeemed at the pleasure of the state, conformably to your letter of the first May last.

I am, sir, very

Respectfully, your

Most obedient servant,

THO. M'KEEN, Cash'r.

To the Assembly Transmitting a Document Concerning the Construction of a Break-water in Delaware Bay.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO you, a copy of a letter from the president of the chamber of commerce of Philadelphia, relative to the construction of a break-water in the bay of Delaware.

This subject was presented to the consideration of the legislature at the last session, and a resolution then adopted, expressive of the wishes and feelings of Pennsylvania, and urging our members, in the two branches of the national legislature, to use their best efforts to obtain an appropriation to accomplish the work. The great importance of having a break-water at the mouth of the Delaware, for the protection and preservation, not only of the property, but the lives of our citizens embarked on the ocean, and exposed to all its perils and dangers, will be a sufficient apology for my submitting to you the letter accompanying this message, and again inviting the attention of the general assembly to this subject.

Whatever further measures you may devise and adopt, to effect so desirable and beneficial a work, for the commercial interest and prosperity of our metropolis, and the safety of the mariners engaged in the trade and navigation to and from the city of Philadelphia, will meet with my cordial assent.

J. ANDW. SHULZE.

Harrisburg, December 9, 1826.

DOCUMENT.

Philadelphia, November 27, 1826.

To his Excellency, John A. Shulze:

Sir—The Philadelphia Chamber of Commerce remaining still impressed with the importance and great utility of a break-

water in the bay of Delaware, have instructed me to revive the subject by bringing it again to the notice of your Excellency, and respectfully to request such interposition of the executive, with the legislature of the commonwealth, or otherwise, as may appear in his wisdom, best calculated to promote a measure so pregnant with the best interests of the United States, the commerce of the city of Philadelphia, and so full of benevolence to the exposed and suffering mariner. When it is considered that for 120 miles to the south of Cape Henlopen, and 100 miles to the north of Cape May, there is not a harbor for large vessels, exposed to certain winds but that of the Delaware Bay, and this being without artificial protection, cannot with safety be approached. It is to be lamented, that a season should ever have been permitted to pass, without a commencement of the work, after the finances of the nation were in a situation to admit of the expenditure. So inconsiderable have been the appropriations for public works in the Delaware, so pressing is the call from humanity and interest, that the application for this improvement cannot fail of success, if with proper exertion it is persevered in, under the auspices of the governments of the three states more immediately concerned, viz., Pennsylvania, New Jersey and Delaware.

The delay which has attended this communication requires an apology, which, in offering, it is respectfully solicited, may be accepted, and with the assurance of the highest personal considerations of esteem and regard.

I am

Your Excellency's

Very obedient, and

Very humble servant,

ROBERT RALSTON,

Pres't. of the Phil'a. Chamber of Commerce.

To the Assembly with a Maryland Resolution on Fisheries in the Susquehanna and other Documents.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO you a copy of a letter from the governor of the state of Maryland, together with a copy of a report of a committee of the House of Delegates, and a resolu

tion of the general assembly of that state, on the subject of the fisheries in the river Susquehanna, below the Pennsylvania line.

A copy of a report of the commissioners appointed by direction of an act of assembly of the last session, to examine the accounts of the board of commissioners, and the materials, construction, and workmanship of the penitentiary, opposite Pittsburg.

A copy of a report of a committee, and certain resolutions of the board of managers of the Northumberland Bridge Company, accompanied by two letters from the president of said company, on the subject of the act of last session, relative to turnpike road and bridge companies, in which the state holds stock.

A copy of a letter from the Attorney General of the Commonwealth, shewing the state of the proceedings, and present situation of the suit directed to be commenced, to try the validity of the charter of "The Harrisburg Canal, Fire Insurance and Water Company."

A copy of a letter from Doctor Richard Povall, stating the reasons why the sword voted to captain Conner, by a resolution of the last legislature, for his gallant conduct in the naval service of his country, during the late war, has not yet been completed.

And a copy of a letter from the commissioners appointed to revise the penal code of this commonwealth, to explain why they were not able to make their report, so as to be laid before the legislature at the commencement of the session.

J. ANDW. SHULZE.

Harrisburg, December 8, 1826.

Council Chamber,
Annapolis, April 24, 1826.

Sir—The enclosed copy of a report of the committee of the House of Delegates, of this state, and resolution, passed by

the general assembly at the late session, is forwarded to your Excellency in compliance with the said resolution.

With the highest consideration,

I have the honor to be,

Your Excellency's

Most obe't. serv't.,

JOS. KENT.

His Excellency, John Andrew Shulze, Governor of Pennsylvania.

By the House of Delegates,

February 28, 1826.

The committee to whom was referred the "Leave granted to bring in a bill to prevent persons residing out of this state, from injuring the fisheries in the river Susquehanna, below the Pennsylvania line," present the following report:

The late period at which this subject is presented, and the fixed determination of the general assembly to rise on a given and near day, forbid the hope of passing any bill through the different branches of this legislature, at the present session. But as the subject confided to our care, is one whose tendency is to gratify the wishes and welfare of a large portion of the citizens of our sister state of Pennsylvania, and as we have every disposition to gratify her wishes as far as we can go, we think it most eligible to leave this subject open for the present, that it may be early taken up by the next legislature, to whose attention we respectfully recommend it, and we conclude this report with the following resolution:

Resolved by the General Assembly of Maryland, That the governor of this state be, and he is hereby requested to forward a copy of this report, accompanied by a letter, to his Excellency the Governor of Pennsylvania, to be by him laid before the legislative body of that state.

Proclamation Continuing all Appointments under
the Executive for the term of Four Months.

Pennsylvania ss.

[Signed] J. Andw. Shulze.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By J. ANDREW SHULZE, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas, the Speaker of the Senate and the Speaker of the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania have duly certified that the said Speaker of the Senate did, on the fourteenth day of December instant, in the Chamber of the House of Representatives, in the State Capitol at Harrisburg, open and publish the returns of the late election of a Governor of the said Commonwealth, in the presence of the Members of both Houses of the Legislature, conformably to the Constitution of the said Commonwealth, and that upon counting the votes by a teller appointed on the part of each house, it appeared that J. Andrew Shulze had a majority of votes; Whereupon the said J. Andrew Shulze was declared to have been duly elected Governor of the said Commonwealth, and having first taken the oaths of office, was accordingly on this nineteenth day of December declared Governor thereof.

Now, in pursuance of the power and trust to the Governor of this Commonwealth by the Constitution and laws granted and confided, and for preventing all failures in the administration of justice I, the said J. An-

drew Shulze, have deemed it expedient to issue this proclamation, hereby confirming and continuing all appointments made, and all commissions heretofore lawfully issued, for the term of four months from the date of these presents, unless the said appointments and commissions be sooner superseded and annulled.

And I do further direct and enjoin all public officers, engaged in the several departments of the government, to proceed with diligence and fidelity in the performance and execution of their respective stations, so as most effectually to promote and secure the interest, peace and safety of the Commonwealth.

Given under my hand and the Great Seal of the State, at Harrisburg, this nineteenth day of December, in the year of our Lord one thousand eight hundred and twenty-six, and of the Commonwealth the fifty-first.

By the Governor.

I. D. Barnard, Sec'y of the Com'th.

Inaugural Address to the Assembly—1826.

Fellow Citizens—

ABOUT TO ENTER ON ANOTHER PERIOD OF administration of the government, I avail myself of the opportunity which the occasion affords, to express the gratitude I feel for the new manifestation of the confidence with which my fellow citizens have been pleased to honor me. To be called to the chief magistracy by the freemen of Pennsylvania, even with claims sustained by a bare majority of voices, is the proudest honor that can be conferred on the most worthy of her sons—but the restoration, by common consent, of the high trust which I had surrendered, adds to the consciousness of having used my best en-

deavors to execute it faithfully an assurance that those by whom it was confided, have received my imperfect attempts to redeem the pledge given on my part, with favor and indulgence. Further than this an honest ambition cannot entertain a wish.

I again enter on my charge with unfeigned diffidence. A knowledge of its responsibilities, and of the unusual arduousness of its duties, are sufficient to convince me, that after I shall have exerted my best energies to accomplish the object set before me, I shall still have much to owe to the indulgence of the public. A rapid development of resources, of which the importance and extent were till lately, neither appreciated nor understood, has hurried us forward to a period when the measures of the government must necessarily take a wider range than those of ordinary legislation. Our mountains and waste lands, which seemed to be doomed to everlasting barrenness, are found to teem with inexhaustible wealth, and to constitute, if not the fairest, certainly the richest portion of our territory. To the east, and to the north, anthracite and iron; to the west and to the south, iron, coal, glass and salt, in their various uses and application to manufactures and the arts, offer to industry and enterprise, the rich results of profitable labor, and an advantageous investment of capital. The benefits that flow directly from these sources, as well as from the increased extent and activity of internal commerce, are already in a state of insipient enjoyment; and experience of the past, irresistibly leads to the anticipation of an almost boundless prosperity, with which it has pleased the supreme ruler of the universe, in an especial manner to bless the people of this commonwealth. It will be the business of the government to promote these important interests by improving the means of transportation, and opening a market to the remotest part of the state.

Fellow citizens, we have abundant cause of congratu-

lation and gratitude for the many blessings we enjoy, both as an integral part of the nation and as a distinct community. Our country reposes in the lap of plenty and of peace. Disease which heretofore afflicted the land, has almost vanished, and has given place to all the blessings of health. Credit is re-established; the embarrassments consequent on an inordinate extension and sudden retrenchment of the currency removed, and a period at length put to the distressing sacrifice of property and individual suffering, which these causes had produced; economy in public and private expenditure is generally practised, and the body politic, by the bounty of Heaven, restored to its pristine health. A wise and judicious tariff has given increased activity to our infant manufactures, which already begin to rival the fabrics of the old world. The asperity of feeling, which of late arrayed political parties against each other, in all the bitterness of strife, has given place to a moderate but salutary jealousy, which makes them faithful and vigilant guardians of the constitution and the public liberty; and turns party spirit thus restrained to its legitimate object, into a blessing. The talents of many of our ablest and scientific men meet with encouragement and employment in the service of the public, and a certainty that much has been done that was deemed impracticable, invigorates exertion for what remains. Our schools and colleges, aided by the liberality of an enlightened legislature, flourish with an increased usefulness, and the spirit of experiment and free inquiry is abroad. With a knowledge of the manifold advantages we enjoy, let us continue to be thankful to the disposer of all good, and manifest our gratitude by an assiduous cultivation of the principles of virtue and religion. Let us not forget, that the public has much to expect from us. The political principles on which the government has been administered, during the period just elapsed, are those on which I

shall act in time to come; and with the more confidence, as they have received the sanction of the freemen of Pennsylvania. They are too generally known to require a particular exposition here. Errors in the administration of the government may undoubtedly be committed, but I will take leave to say with an honest boldness, that they never have, nor shall they in future be, the errors of the heart. At the time appointed in the constitution, my office shall be returned to those who gave it, unstained by a single act of wilful misgovernment. For every thing beyond this, I shall rest with unlimited confidence on the tried favor and indulgence of my fellow citizens.

J. ANDW. SHULZE.

December 19, 1826.

To the Assembly Giving Notice of the Re-appointment of General Isaac D. Barnard Secretary of the Commonwealth.

Gentlemen—

I HAVE THIS DAY RE-APPOINTED AND COM-missioned General Isaac D. Barnard secretary of the commonwealth, during my continuance in office, agreeably to the fifteenth section of the second article of the constitution.

J. ANDW. SHULZE.

Harrisburg, Dec. 19, 1826.

To the Assembly Transmitting Certain Resolutions of the Legislature of Vermont Concerning an Amendment to the Federal Constitution.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO you a copy of certain resolutions of the state of Vermont, disagreeing to an amendment to the constitution of the United States, proposed by the state

of Tennessee, together with the copy of a letter from the secretary of that state.

J. ANDW. SHULZE.

Harrisburg, December 27, 1826.

State of Vermont,

In General Assembly, Nov. 11, 1826.

Resolved by the General Assembly of the State of Vermont, That the amendments to the constitution of the United States, proposed by the General Assembly of the state of Tennessee, on the twenty-fifth day of November, in the year of our Lord, one thousand eight hundred and twenty-five, and forwarded to the governor of this state, are not approved.

Resolved, That his excellency the governor be requested to transmit a copy of the foregoing resolution to the executive of each of the United States.

Secretary of State's Office,

Woodstock, Nov. 27, 1826.

Sir—I have the honor to transmit, herewith, a copy of certain resolutions of the legislature of the state of Vermont, relative to the amendments to the constitution of the United States, proposed by the state of Tennessee.

I am, with great respect,

Your excellency's obedient servant,

NORMAN WILLIAMS,

Secretary of State.

His Excellency, the Governor of Pennsylvania.

To the Assembly Transmitting Certain Reports and Documents from the Board of Canal Commissioners.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO the Senate, a copy of a letter from the president of the board of canal commissioners, with a copy of a report made by said board, in pursuance of the eighth section of the act of April 11th, 1825, entitled,

"An act to appoint a board of canal commissioners," accompanied by a copy of four resolutions of said board, (marked A. B. C. D.) determining the location of the eastern and western divisions of the Pennsylvania canal, with the dimensions of said canal, and of the locks in the same, approved of agreeably to the act of last session, authorising the construction of the Pennsylvania canal; together with copies of the documents furnished with the report of the board, enumerated in the list hereto annexed, and numbered from one to thirty inclusive. I also inform the Senate, that I have transmitted to the House of Representatives, for the use of both branches of the legislature, three plans or drafts, which also accompanied said report. Which reports and documents from the board of commissioners, I am directed by the act of 11th April, 1825, to present to the legislature.

J. ANDW. SHULZE.

Harrisburg, January 1, 1827.

[Report omitted.]

To the Assembly with a Report of the Commissioners
on Revision of the Penal Code of the Commonwealth.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO you, a copy of a report made by the commissioners appointed under a resolution of the legislature of the 23d of March last, relative to a revision of the penal code of this commonwealth.

J. ANDW. SHULZE.

Harrisburg, January 1, 1827.

To his Excellency, J. Andrew Shulze, Governor of Pennsylvania:

Philadelphia, Dec. 22, 1826.

Sir—In a letter which we had the honor to address to your excellency, on the 1st instant, we stated that the nature and extent of the very important duties confided to us, rendered it impracticable for us to report the result of our labors at the opening of the present session of the legislature, and we expressed a hope that we should be able to prepare it at an early period of the session.

A more thorough and careful examination of the subject, has not tended to increase our belief in the practicability of preparing, in time for the present session, a report which shall be satisfactory to ourselves, and advantageous to the community.

We owe it to your excellency, and the enlightened and candid legislature, under whose authority we have been appointed, to state fully and respectfully, the views we have taken of the course proper to be pursued under existing circumstances; yielding, however, cheerfully to the better judgment of the legislature, should we find it to differ from our own on the subject.

The resolution of the 23d of March, 1826, have appeared to us to require our attention and labors to be directed to four subjects in a measure distinct, but in some respects connected with each other.

1st. The revision of the existing penal code as respects crimes, and the suggestion of such additions as should take place in the system.

2d. The mode and measure of punishments; whether by hard labor, or solitary confinement, without labor, or by an union of both.

3. Criminal procedure, or a system of amended proceedings in criminal cases.

4. The preparation of a body of rules for the internal police, and government of, and treatment of prisoners in the penitentiaries within this commonwealth.

It will be seen, from the mere enumeration of the duties devolved upon us, that they imply no common degree of labor, reflection and responsibility.

The preparation of a penal code, for a commonwealth containing a population of a million and a quarter of persons, requires an extensive stock of information, not only of the operation of the present system in our own state, but of the

codes of other states and countries; a careful examination of principles, upon the subject of criminal law; and an anxious and minute investigation of the bearing and weight of every word, in the additions and alterations which might seem to us to be called for in the existing code. Had this been the limit of our duties, we might perhaps have been able to furnish the legislature, at their present session, with a report on the penal code, which, though wanting in the completeness which matured reflection could alone give it, might have served at least as a basis for legislative enactment. A review of the penal code, however, formed only one branch of our duties. The hardly less important subjects of punishment, criminal procedure, and prison discipline, required of us an equal share of time, preparation and deliberation. In addition to which, one of the resolutions of the legislature, made it incumbent on one or more of us, "to visit at least two of the penitentiaries in some of the other states of the Union."

Our commissions bear date the 6th of June last. Immediately upon receiving them, we entered upon the performance of our duties. Anxious to collect all practicable information, and to obtain the sentiments of enlightened and experienced persons throughout the state, we prepared a series of interrogatories, respecting crimes and convictions which were forwarded to the sheriff of each county in the commonwealth, and we addressed letters to different parts of the state, requesting information and opinions on the operation of the penal code. The answers to our interrogatories have not been forwarded with the promptness we looked for, and to the present moment we are without replies from five of the counties.

The importance and minuteness of our inquiries respecting the operations of the penitentiary in Philadelphia, have also delayed the receipt of the desired information until a very recent period. In conformity with the injunctions of the Legislature, we visited the state prisons of New York, at the city of New York, at Sing-Sing, and at Auburn, in the month of July. One of our body, visited the state prison of Massachusetts, at Charlestown, in September; another the state prison of Maryland, at Baltimore, and recently the penitentiary at Lamberton, in New Jersey, has been visited by two of us. In these journeys we have expended several weeks of time, which has necessarily been subtracted from the performance of other portions of our duties. We consider the time as profitably spent, however, inasmuch as we have obtained a great mass of valuable information in relation to the subject of peniten-

tiary discipline. We have made efforts, too, to collect, from other states, and from Europe, such information, the fruit of their experience and observations, as might aid us in all branches of the inquiry.

Since our return from visiting the penitentiaries in other states, our time has been assiduously employed in digesting the returns, and other information received, and in preparing a system of penal law, criminal procedure and penitentiary discipline. Our progress has been rapid considering the circumstances we have mentioned, and the anxiety we have felt to render our report acceptable to the legislature, and the public, by that thorough and mature consideration, which the several subjects of our commission so undoubtedly deserve. But after weighing all circumstances we have come to the conclusion that a satisfactory report cannot well be made before the end of the session, at all events, not in time for any legislative enactment to be founded upon it. It has occurred to us, however, that it may be desirable to put the public in possession of our report in all parts of the state, during the interval between the conclusion of the present session, and the meeting of the next legislature, which may be accomplished by a permission to print it under the authority of the state, and to circulate it throughout the commonwealth, in order to obtain the revision of competent persons every where, and thus to render it as nearly perfect as can be expected.

Upon a full consideration, therefore, of all the circumstances, and deeply sensible of the grave responsibility under which we are placed, to the commonwealth, and our own consciences, which seems to forbid any crude or imperfect report, we wish respectfully, to suggest, through your excellency, to the legislature, whether the object of our appointment will not best be accomplished, by a permission to continue our labors, until they shall be sufficiently matured; and when that shall be effected, to print, by authority, a limited number of copies, one of which shall be sent to each member of the legislature, and at least three to each county of the state; so, however, as that the report shall be printed and circulated at least four months before the meeting of the next legislature.

Should the legislature, however, not view these suggestions in the same light as we do, and should they be of opinion, that it will be advisable for us to make a report to the present session, we shall cheerfully acquiesce, with the hope that when that report shall come to be examined, it will be regarded with the indulgence which the circumstances and reasons stated in

this communication, may entitle it to. It is obvious, that an early expression of the sentiments of the legislature is highly desirable and important to us.

There is, however, one branch of our duties, upon which an expression of opinion may become necessary, at the present session of the legislature. We allude to the subject of punishment by solitary confinement, and with reference to further progress in the completion of the state penitentiary, at Philadelphia. The subject is one of great magnitude; and opposite and irreconcilable opinions are entertained, in relation to it, by many highly respectable citizens of this and other states.

In proportion to the magnitude of the question, has been the consideration we have bestowed, and the anxiety we have felt, to come to a sound conclusion upon it. After the best consideration we have been able to give the subject, with all the facts we have collected, we are unanimously of opinion, that solitary imprisonment, without labor, as a means of punishment, will be found burdensome to the public, ineffectual, as to the subject of it, and inoperative in preventing crimes in others. Joint labor, under a vigilant and rigid discipline, which renders all conversation or other communication between the convicts, impracticable; together with separate and solitary dormitories or sleeping cells, upon the plan pursued at Sing-Sing and Auburn, exhibits, in our opinion, a system best calculated to improve the habits of the prisoner, and to relieve the honest part of the community, from the burden of taxation, to secure and support its worthless members. Our reasons for these opinions, will be fully stated in the report, and are founded upon unquestionable documents, and what appears to us unanswerable reasoning. We are far from expecting or wishing the legislature to abandon the system adopted in the penitentiary at Pittsburg, and commenced at Philadelphia, without ample consideration and a full investigation of the facts and reasoning, which we hope to set forth in our report. But we think the result of our inquiries and observations in the penitentiaries we have visited, and elsewhere, warrant us in suggesting to the legislature, the expediency of suspending further appropriations for the erection of additional cells, at Philadelphia, until the next session; when, by the aid of the facts and documents in our report, a final decision may be made, understandingly, of this interesting question. We do not wish to be understood, however, as objecting to the completion of the blocks, or rows of cells, now commenced and finishing, or to the prosecution of any

other part of the building, which may be independent of the eventual determination on the subject of solitary confinement. The soundest economy dictates, we conceive, the completion of what is now in actual progress.

Repeating our belief that the true interest of the public, in relation to the subjects confided to us, will be best consulted by the prolongation of the period allowed us, for the performance of our duties, and by the authority we have solicited, to print and circulate the result of our labors, for the general information.

We remain, with great respect,

Your excellency's

obedient servants, &c.,

CHARLES SHALER,

EDWARD KING,

T. J. WHARTON.

To the Assembly Transmitting Certain Documents
Concerning the Northern Bank of Pennsylvania.

Gentlemen—

BY AN ACT OF THE 10TH OF APRIL LAST, ENTITLED, "An act appointing commissioners to investigate the concerns of the Northern Bank of Pennsylvania; three commissioners were appointed to investigate the affairs of that bank, and make report to the governor; and if upon such report, it appeared, that the terms of the act to establish a Bank in the district composed of the counties of Bradford, Wayne, Luzerne and Susquehanna, to be called "The Northern Bank of Pennsylvania," had not been strictly complied with; or if the directors or officers of the bank refused to exhibit to the said commissioners, every thing which they might think necessary, to a full investigation of all the matters relative to the concerns of said bank, that then it should be considered that the charter of said bank had been unlawfully obtained; or that the

same is injurious to the citizens of this commonwealth, and the Governor should have power to revoke, annul, and make void, the charter of the same. The commissioners have made a report to me, in obedience to that law; and although I shall not shrink from the performance of any legal duty enjoined on me, yet after deliberate reflection on this case, and a careful examination of the report of the commissioners, and the evidence and facts disclosed in it, I have thought it my duty to submit the whole subject to the consideration of the legislature. I have, therefore, transmitted to you a copy of the return of the commissioners, appointed under the act to establish the Northern Bank of Pennsylvania, together with a copy of the report of the commissioners appointed to investigate the affairs of said bank, under the law of last session.

J. ANDW. SHULZE.

Harrisburg, January 8, 1827.

To his Excellency J. Andrew Shulze, Governor of the Commonwealth of Pennsylvania:

In pursuance of the act of Assembly, passed on the 10th day of April, 1826, entitled "An act appointing commissioners to investigate the concerns of the Northern Bank of Pennsylvania," the commissioners therein named gave notice to the officers of the bank, and to all others who might have an interest in the investigation, or who might be able to give the best information upon the subjects required to be examined by the provisions of said act, that they would meet at the banking house, in Dundaff, on the 3d day of November, 1826. The act gives no authority to enforce the attendance of witnesses, or to compel them to give evidence when present. The commissioners' means of obtaining testimony are limited to requests only.

At the time and place above mentioned the commissioners met. Oristus Collins, Esq., appeared as counsel for the bank, and Benjamin T. Case, Esq., as counsel against it. The officers of the bank willingly exhibited the books, papers, accounts and funds of the institution, and the cashier was examined on oath, whose testimony and statement, as well as

the testimony of other witnesses are given at large in the following

Report:

On the 4th of November, 1826, Abisha Woodward, Esq., one of the commissioners appointed under the act of 11th of April, 1825, entitled "An act to erect a bank, &c., to be called 'The Northern Bank of Pennsylvania,'" attended and after having been sworn by a magistrate, testified in substance as follows:

"I was one of the commissioners of Wayne county, for opening the books. I went with Messrs. Beaumont, Shoemaker, Eldred and Bullock, to New York, for the purpose of converting the paper into specie, and depositing the money in some bank for safe keeping. We took with us, I think, rising of \$20,000 in par paper, though I am not positive of the amount. A further payment was promised to be made to us in New York, which was made to us there, so as to make up the sum of \$35,000, in the whole. The amount of \$3,000 paid to the Bradford commissioners, in specie, was left at Dundaff, as they informed me. We deposited the whole sum of \$35,000, in the Jersey City Bank, and took a certificate of the deposit from the president or cashier, from which I cannot tell. When the certificate was presented, we did not like to take it alone, without knowing more concerning it. We went to the Phoenix Bank, or to the office of the Jersey City Bank, in New York, and the president of the Jersey City Bank was there, and enquired of us whether we wanted the money. Some of the commissioners were disposed to remove it; and the president told us there was a box containing \$19,000, in specie, which we might count and remove whenever we chose, and he would give us a line to the cashier of the Jersey City Bank, who would pay us the residue of the certificate of \$35,000. The question then arose whether we should count and remove the money. The commissioners were divided in opinion; but the majority thought it as safe there as it could be if taken elsewhere, so that we did not count it. I thought it was not necessary. The commissioners then expressed themselves satisfied with the payment, as well as the safety of the money.

"After the election of directors of the bank, Mr. Beaumont, being elected one of them, had the certificate of the deposit, and I advised him to stay till the president and directors of the bank should be elected, so as to deliver over the certificate to the officers of the bank, that our responsibility might cease. The commissioners inquired as to the solvency of the Jersey

City Bank, and found its standing as good as any of the banks. We did not return to the Jersey City Bank. I should have pursued the same course if the money had been my own, and should have considered it safer than in my own hands. We went to New York at the expense of the stockholders."

On his cross examination, Mr. Woodward stated,

"I think 500 shares were subscribed in Wayne county, or at least the amount of the proportion for that county. No specie was paid in Wayne county. I understood from Mr. Eldred that the commissioners had agreed to receive par paper. The par paper was all paid down, except a few shares about Bethany, which Mr. Eldred was to secure.

"The money in our hands, including \$200 in specie which I had received by exchange, was paid by me to John E. Mowatt, and the residue of the money in the hands of the commissioners, was paid to him also; and he procured the certificate and delivered it to us, as a deposit of specie, to the amount of \$35,000. I cannot say where the specie received at Bradford was left; I think I saw it at Montrose in boxes.

"The books were not filled up so as to reach the amount required by the act, and when we met at Montrose, Mr. Phinney proposed, if we would go to New York, the residue should be paid; we went, and it was accordingly done. I understood that Mowatt was deeply interested in the bank, but cannot tell to what amount. Messrs Post and Jessup, two of the other commissioners, objected strongly to going to New York. I think Mr. Bosworth did not object, but was prevented from going by business.

"I inquired of William Smith, merchant, of New York, with whom I had been long acquainted, concerning the standing of Jersey City Bank.

"The Montrose Books were filled with names enough at twelve dollars per share; but the commissioners told us the money was paid at five dollars per share, and was in the Silver Lake Bank. The rest of us did not consider them to be legal subscriptions.

"Mr. Eldred informed me that the commissioners had agreed to receive twelve dollars on each share, at their first meeting, and I agreed to it, and this agreement was adhered to by Mr. Eldred and myself. We opened the books on Monday, and on Tuesday Messrs. Post and Sayer came, with a letter from the Susquehanna commissioners, saying they had determined to take specie only, and if we received anything else, they should hold us accountable for any loss that might ensue. I

have not the letter. I understood from the Bradford commissioners, that they received paper, at the first opening of their books; and after they received a communication from Susquehanna, they refused to take it. I think they received the communication on Tuesday, at Bradford. As far as I know, the transaction was as fair as any one of my life.

"I think the greater part of the stock in our county, was subscribed by means of powers of attorney. Amzi Fuller, Esquire, had the powers of attorney, and he paid the money for what he subscribed. Every one that offered in our county, had an opportunity to subscribe. Mr. Fuller informed them that any person in whose name he subscribed, might retain his stock, and if he did not, Mr. Phinney would keep it. Mr. Fuller paid the money for Mr. Phinney, for what was subscribed by powers of attorney. The books in our county were closed within the second or third day. At the first meeting of the commissioners, after the books were closed, the Susquehanna commissioners expressed an opinion that the proceedings had not been legal, and that the books should be opened again, and what had been done treated as a nullity; a majority were of a different opinion, and thought we had done right. This difficulty was in regard to the receiving twelve dollars, instead of five dollars, on the share. I think Mr. Jessup or Mr. Post proposed to open the books in Susquehanna and Bradford, and confirm them in Luzerne and Wayne, where they had paid twelve dollars per share; but a majority of the commissioners overruled. I understood the commissioners of Susquehanna agreed to receive par paper at first. It was proposed to take legal advice on our proceedings; it was agreed to, and Mr. Kinney and Mr. Reed were heard against them, and Mr. Collins in their favor. We were satisfied that we were right."

At an adjourned meeting of the commissioners, at Wilkesbarre, on the 16th of November, 1826.

Andrew Beaumont, Esquire, being sworn by a magistrate, said: "The deposition of Judge Woodward is correct, as far as I remember;" and being further examined, said: "There was a good deal of conversation with the president of the Jersey Bank, about the removal of the money. He was the person who gave the certificate. This certificate was issued by the president and not by the cashier. The interview was in Wall street. The president was at the office of the Jersey City bank in New York. Mr. John E. Mowatt gave us the certificate. I think we had upwards of twenty-two thousand dollars with us, in paper, and the residue was to be made up

in New York. The president of the Jersey City bank exhibited a bank book showing a credit in the Phoenix bank, in favour of the Jersey City bank, of a specie deposit, as appeared in the book. He said if we would wait until Monday, he would pay us the specie, instead of the certificate; but it was late, and we had made such inquiry from persons of the first respectability, concerning the standing of the bank, as induced a majority of the commissioners to believe that it would be prudent to take the certificate. Thirty-five thousand dollars was the amount for which the certificate was given, as a specie deposit. We delivered the money to Mr. Mowatt, when we took the certificate. The specie from Bradford was left in the hands of Charles Welles, at Dundaff. The three thousand dollars were taken from Montrose to Dundaff, when we went to that place. I do not know whether Mr. Bullock had paper in lieu of specie. All the commissioners, when we went to New York, had, together, rising of twenty-two thousand dollars. The boxes said to contain the specie from Bradford were not opened. Messrs. Bullock and Bosworth were satisfied with the specie. We did not go to the Jersey City bank, neither did we call on the cashier of the bank. We saw no specie counted in New York. We were at the office of the Jersey City bank, in New York. I do not remember the name of the president. From this certificate, we made our return to the governor. The certificate was made in New York, and the oath administered there. The certificate was returned by the governor on account of some omission, which we supplied. I think it was putting our seals to it. We then sent the certificate back. I think the subscription books were all taken to New York. I think there were as many shares subscribed on the books as were required by the act. I understood that the 13,000 dollars, to make up the deficiency of 35,000 dollars, were advanced by the stockholders, on the shares already taken. This money was paid into the bank, and the certificate obtained. I know of no accounts opened in the name of the commissioners in any bank, in New York, until this certificate was delivered. I do not know how the deficiency of stock was made up, or by whom, but I understood from the stockholders.

"I was one of the first directors. When the location of the bank was established, and the officers chosen, I was instructed by the commissioners, to deliver over the certificate to the officers of the bank. I did so, and have a receipt for it, from Mr. Howard, the first cashier. I thought Mr. Howard had some connection with the Messrs. Mowatts, because he was with

them; but I cannot tell in what manner connected. I did not see any money in the hands of the Montrose commissioners, except what was paid on subscriptions made by Mr. Phinney. I do not know anything of the discount of a note of 35,000 dollars, at the bank. The Montrose commissioners found fault with the subscriptions at 12 dollars per share, and undertook to persuade us that we could not take more than five dollars per share."

At the same time and place, Charles D. Shoemaker, Esq., being sworn as aforesaid, observed:

"I agree generally with Mr. Beaumont, as far as he acted as a commissioner. We thought we had such evidence of a deposit, as if we were acting for ourselves, we would be satisfied with. Much inquiry was made concerning the Jersey City Bank, and it appeared to be good. I have no distinct recollection of having seen a box of \$19,000, the box spoken of by judge Woodward; nor do I remember that any boxes of specie were shown to us. The president said they would count the money to us, if we would stay till Monday."

At the same time and place, Isaac Post, Esq., being affirmed, said: "The commissioners all met at Montrose, before the stock was taken up; the manner of proceeding was taken into consideration, and it was agreed by the commissioners to receive and require twelve dollars on each share at first. It was said it was not likely that stock would be taken in any county but Susquehanna. There was much talk whether paper or specie should be received. It was said by some that specie might as well be received; and others thought there might be persons who would wish to subscribe, and not have specie to pay their subscription, at this time. I understood that specie would be required, although others did not so understand it, as they afterwards informed me. We adjourned to meet again after the expiration of the time for keeping open the books. The day the books were opened, I subscribed for a share, and my brother, Mr. Foster and Mr. Jessup also subscribed. After this I was called away, and left Mr. Jessup with the books. I returned. Gould Phinney was there. He had the books, and was writing down names—near Phinney, on the table, lay a considerable roll of bank paper. I asked him if he was subscribing to pay in bank paper; he said he was. I told him that it was not my understanding that paper was to be received, and I could not consent to it; and I also told him that I did not believe it was the understanding of the other commissioners to take paper, and that I would

not take it, and be accountable to turn it into specie. Mr. Phinney said he had a right to subscribe in that way, and he would do it. He said he had powers of attorney for that purpose, and asked me if I had any objections to his subscribing. I looked at the powers of attorney, and saw some names, which I knew to be names of persons in N. York—persons living in the city. I then told him I had objections. I told him that the people of the county ought to have the first privilege of subscribing. I said, however, that Mr. Jessup might do as he pleased, but I should object to the receiving of paper. I had uniformly told those who inquired, that specie would be demanded; and I observed to Mr. Phinney that the act required specie. But Mr. Phinney went on and put down all the names he wished to enter. Mr. Jessup came in about that time. I told Mr. Phinney I did not think any of the other commissioners in the other counties, would receive paper. Mr. Phinney said they had agreed with him that they would, and he had made arrangements for taking up a majority of the stock, and we might help ourselves. After Mr. Phinney had concluded his subscription, I told him he had better take his money. He said he should not. He tendered it for stock. I think Mr. Jessup offered the money to Phinney, after he had taken it up from the table. I do not know what has become of this money. Mr. Jessup told me he had given it to Mr. Thomas Welles, the cashier of the Silver Lake Bank, and requested him to give it to Mr. Phinney, when he should call for it. I afterwards understood that the money was paid to Mr. Phinney, or taken by the other commissioners. I think no more subscriptions were made that day. The books were closed immediately for the day, it being about 4 o'clock, P. M. Next morning, about 9 o'clock, Mr. Jessup and myself opened the books again. Mr. Samuel Hodgdon came in, with a number of other persons. Hodgdon said he wished to subscribe. I told him he could on the payment of specie. He said he had specie—took the books and began to subscribe, showing a number of powers of attorney, with a long list of names. When he had entered all the names, we found he had put down enough to take all the shares, which were the portion of Susquehanna county, as was agreed on by the commissioners at their first meeting. We then inquired of him for the specie. He said it was ready at the Silver Lake Bank, and at any time when we would attend to count it, we could have it. Mr. Phinney asked if the books were filled. We told him they were, in case Mr. Hodgden paid the money for what

he had subscribed. Mr. Phinney said he had specie, and wanted to subscribe. I told him if he would then pay the specie on the names before subscribed by him, they should be considered as good. He did not offer any specie on these subscriptions, but made no objections to do so. Either that night or the next morning, we went to the Silver Lake bank, Mr. Hodgden with us—he brought out some specie, and began to count it into piles of five dollars each, and said he was counting at five dollars per share. Nothing had been said before about five dollars a share, as I expected twelve dollars. A good deal was said. We told him twelve dollars were required, and we should not consider his subscriptions, unless he paid twelve dollars. This controversy stopped any further counting of the money. I would suppose \$700 or \$800 of specie were poured out on the counter. There was another box which would probably have contained \$1,000, and one or two other boxes, which he said contained specie. I saw the money in two of the boxes.

“We refused to receive these subscriptions; went back and stated that the books were open, and that we did not consider the subscriptions already made, good and sufficient. Several persons came and offered to subscribe, and pay five dollars in specie, on a share; we refused to receive it, and they threatened to prosecute us.

“There were married and unmarried women, whose names were on the list, subscribed by Mr. Hodgden. The books were not closed on Monday, for the purpose of their getting these powers of attorney. The books were opened every day. Mr. Jessup refused to take the money offered by Mr. Phinney—he did not wish to take it on his own responsibility. No person offered to subscribe at twelve dollars a share, after that. Mr. Jessup told them if they would not pay twelve dollars, we would take them off their hands. We returned the four shares, as subscribed, and held ourselves accountable. I never have settled my accounts with the bank, and never have been called on; nor have I ever received a cent for my services.

“At the day appointed, the commissioners met again. They said the books were filled in Luzerne and Wayne, but not in Bradford. About 250 shares had been subscribed in Bradford. Mr. Jessup and myself made a statement of what had taken place in Susquehanna. Some thought that paper ought to have been received; and the majority of the commissioners considered the subscriptions of Mr. Phinney good, and such as ought to have been taken; and I have understood that the

commissioners took the money which he had left. I expressed an opinion that we ought not to exact twelve dollars. It was proposed to open the books anew; the commissioners of Luzerne and Wayne objected to it; they would not open them and receive five dollars a share.

"At a second meeting a majority of the commissioners thought it best to comply with the proposition of Mr. Phinney, and go to New York. Mr. Phinney was to pay the balance of the money at that place. Five of the commissioners agreed to go, and started as they said for that purpose. Mr. Jessup and Mr. Bosworth objected to certify on a deposit made in New York. I also objected. The others considered the payment and deposit, at New York, as complying with the act. It was said the money was to be paid and deposited in the city of New York for safe keeping. Judge Woodward thought it much safer in bank in New York than it would be if brought into this country. I cannot tell the amount which the commissioners had with them; it was my impression that about \$16,000, or \$18,000, were in the hands of the commissioners."

Isaac P. Foster called on O. Collins, Esq., as one of the directors, and agent of the bank, but Mr. Collins declined giving evidence, as he is the attorney of the institution; and says that as director he will exhibit with the others, all the books and papers of the bank, as well as all which he has in his own possession.

The ex parte affidavit of John Smith, was read by John N. Conyngham, Esq., attorney against the bank; and objected to by O. Collins, attorney in favor of said bank. This deposition is annexed and marked No. 1.

Thomas Welles, Esq., having been sworn, said:

"I am the cashier of the Northern Bank of Pennsylvania, appointed about the 20th of December last. I was not in the bank before that time. The sum of \$35,000, in specie, said to be deposited in the Jersey City Bank, was not paid into my hands. There was no specie payments made to me when I came into the bank, on the stock of the bank. There was a good deal deposited in specie to turn on stock in some way. Mr. Phinney made the principal specie deposit—he was the president of the bank—he deposited a good deal of specie in the course of last winter and spring. No specie paid to me on account of stock payments that I remember. The specie deposited by Mr. Phinney, he said, he supposed would ultimately be turned to stock; but no specie came to my hands as payment on stock.

"I found by the minutes of Mr. Howard, that a certificate had been exhibited of \$35,000, deposited by the commissioners.

"The securities that came to my hands of individual notes, as the property of the bank, were \$35,180.

"There was an entry on the minutes, that the cashier should be empowered to loan money. Mr. Hiram E. Howard, the cashier, charged himself with the \$35,000, in specie. Howard was appointed cashier in October, 1825. I think he resigned in November or December. There was one note of \$35,000, of persons residing in New York; this note was dated in October, 1825, and payable in December. There was a note of \$180, of a stockholder residing there. No other funds came to my hands, but the subscription books and notes. There was no other entry authorising the loan of \$35,000, than the one authorising the cashier to loan. There had been no other paper discounted at the time I came into the bank. The note of \$35,000, was paid by a check on this bank, from a person whose account in bank was good for that amount, drawn April 13th, 1826. There were four or five thousand dollars, of specie, in the bank at that time, which was about as large a sum, in specie, as we had had at any time before. The \$35,000 certificate had been disposed of before I came into the bank; not one dollar issued when I came into it. The first money issue was dated the 21st of December, 1825, and some issued about the same time in exchange for specie, which exchanges were made by individuals, and not by the bank; some also exchanged in like manner for other bank paper. Deposits began soon after that time. The first loan after I was cashier, was on the 9th of February, 1826. A regular discount by the board of directors. I know of no other loan under the authority given to the cashier, except the \$35,000. I have not loaned any in that way. This power to the cashier has not been rescinded—the by-laws give the board power to authorise the cashier to loan. There have been no applications for loans under the 9th section of the act of 1814. Loans have been made for 60 and 90 days to farmers and mechanics.

"The note of \$35,000, was not renewed nor was there any application for renewal, neither was it protested. The banking house was in such condition as enabled us to move into it in January, 1826. The amount of capital paid on stock, is \$57,390. The amount of money in circulation \$30,285, altogether—the residue is in the vaults. The business was done and the money kept in a common dwelling house, until the banking house was finished. \$9,265 were in circulation on the 13th of April, 1825, when the note of \$35,000 was taken up. Payments have been promptly made on loans. Five, six or seven protests have

been made; but these are chiefly settled now. I do not know of any loss by injudicious loans."

It also appears from the bank books, that on the 3d of October, 1825, John E. Mowatt, was elected president, &c., Hiram E. Howard, cashier; and that the books of subscription to the capital stock of the Northern Bank of Pennsylvania, and the certificate of the deposit of \$35,000, made by the commissioners, were delivered over to the cashier, by Mr. Beaumont, in behalf of the commissioners.

It also appears by the by-laws of the bank, that the directors might authorise the cashier to loan and dispose of money; but we found no resolution of the board for that purpose.

It also appears from the books of the bank, that Hiram E. Howard, the cashier, charged himself with the certificate of \$35,000; and his account was credited with and balanced by \$35,000 loaned on the note of John T. Marcellis, endorsed by Henry Drake for that sum, and dated the 10th of October, 1825. And it appears also upon the books that on the 13th of April, 1826, the note of John T. Marcellis was paid by the check of Gould Phinney, on the Northern Bank of Pennsylvania, for \$35,000, whose account in bank was at that time good for that amount and \$2,300 over.

It also appears that John E. Mowatt, President, and Hiram E. Howard, cashier, and James Mowatt, Henry Drake, and Jacob Shunnway, directors of said bank, resigned their offices; whereupon Gould Phinney was elected president, and Thomas Welles, cashier, and Oristus Collins, Henry W. Stone, Peter Graham, John Allworth and James Manning, were elected directors to supply the places of those who had resigned.

It also appears from the books, as well as from the testimony of the cashier, that the whole amount of discounts from the organization of the bank to the present time is, .. \$120,702 24
And the amount paid on said accounts is, 99,915 00

Leaving balance of discounts, \$20,787 24

As a part of his testimony, the cashier of the bank furnished to the commissioners the following statement of the present condition of the bank:

November 3, 1826.

Bills discounted,	\$20,787 24
Receipts of agents,	62,541 00
Foreign notes,	2,122 00
Specie	1,751 35
Real estate, and bank furniture,	4,000 00

Bullion,	31 00
Balance profit and loss,	4,515 77
	<hr/>
	\$95,748 36
Stock paid,	\$57,390 00
Notes in circulation,	30,285 00
Bills obligatory,	3,000 00
Deposits, including \$2,016 to apply on A. Wright's receipt,	5,073 36
	<hr/>
	\$95,748 36

Copies of two receipts of A. Wright, one of the agents of the bank, in New York, and which are embraced in the above statement, amounting to \$61,000, are hereunto annexed, and marked 2 and 3.

From the statement of the cashier, there were in the hands of Robert Nichols \$1,541, which sum was composed of \$199 in notes of New Hope and Jersey banks, taken in order to be redeemed, and a promissory note in his hands for collection.

It also appears, from the statement of the cashier, that there had been deposited in said bank, to apply on the receipts of Mr. Wright, as above stated, \$2,016.

By information from one of the directors, not given under oath, we understand that the stockholders in New York, agreed to pay on account of stock, to an agent in New York, the sum of \$36,000, as a fund for the purpose of redeeming the paper of the Northern Bank of Pennsylvania. And A. Wight, who was selected as the agent, either upon the payment of the money by them, or upon their assurances that it should be paid to him, gave the officers of the bank to understand that it was paid, and gave his receipt to the bank, for that sum; and that a short time afterwards, Mr. Wight refused or neglected to redeem the money of said bank, nor would he give an account of his agency. The value of the balance of Wight's receipt of \$36,000, and his responsibility appears to be doubtful: Our informant says that there may be some loss on the receipt of \$25,000, of the paper of said bank, but it is supposed not to exceed \$3,000.

To the Assembly Transmitting a Resolution of the Legislature of Georgia Proposing an Amendment to the Federal Constitution relative to the Election of President.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO you a copy of a letter from the governor of the state of Georgia, together with a copy of a preamble and resolution of the legislature of that state, recommending such an alteration in the constitution of the United States, as will prevent the election of president from devolving, in any event, on the house of representatives.

J. ANDW. SHULZE.

Harrisburg, January 19, 1827.

Executive Department, Georgia,
Milledgeville, 27th December, 1826.

Sir—The accompanying preamble and resolution of the legislature of this state, are communicated with a request, that your excellency will be pleased to submit them to the legislature of the state over which you have the honor to preside, for their consideration.

With great consideration and respect,

G. M. TROUP.

His Excellency the Governor of Pennsylvania.

In the House of Representatives,
Wednesday, 20th December, 1826.

Whereas, in every government truly republican, it is highly important that the affections of the people should be secured to the constitution and the laws, by giving to them the right of bestowing all offices, and especially those which place great power and patronage in the hands of those who fill them, on men in whose virtue and intelligence they can place the most unbounded confidence: And whereas, from the past history of our government, it is to be feared, that under the provisions at present embraced in the federal constitution, the office of president of the United States, one giving to the incumbent a power which may be effectually used for the best, or for the worst of purposes, may sometimes be bestowed upon a man

whom the suffrages of the people would not elevate to that high office, and whose only hope of a continuance therein, will be derived from an artful use of the patronage of the government, a dangerous instrument in the hands of an ambitious man:

And whereas, those evils which we have already partly felt, and which we have reason to fear will be much more seriously felt in future, can only be remedied by an alteration of the federal constitution; and though all the efforts that have been heretofore made to effect that alteration have failed, yet it is believed that the good sense and patriotism of the great mass of the nation will insure success to an amendment to that instrument which will give to it so much firmer an interest in the hearts of the people.

Be it therefore resolved by the Senate and House of Representatives, That our senators in congress be instructed and our representatives requested, to promote such an alteration of the constitution of the United States, as will prevent the election of president from devolving, in any event, on the house of representatives, and which, at the same time, will preserve inviolate all the rights of the states growing out of the compromises of the constitution.

And be it further resolved, That the governor be requested to forward copies of the foregoing preamble and resolution, to each of our senators and representatives in congress, and to the governors of the several states.

To the Assembly Transmitting Certain Documents
from the Chesapeake and Ohio Canal Convention.

Gentlemen—

I HAVE THE HONOR TO TRANSMIT TO THE Senate, the copy of a letter from C. F. Mercer, Esquire, on behalf of the Chesapeake and Ohio Canal Convention, accompanied by a copy of a memorial to the legislature of Pennsylvania, prepared by a committee under the authority of that convention.

I also inform the Senate, that I have had delivered, to the House of Representatives, sundry printed docu-

ments, which were transmitted with said letter and memorial, for the use of the legislature.

J. ANDW. SHULZE.

Harrisburg, January 20, 1827.

City of Washington, January 15, 1827.

Sir—I beg leave, in behalf of the Chesapeake and Ohio Canal convention, to present through you, to the General Assembly of Pennsylvania, a memorial prepared by a committee acting under the resolutions of that convention, together with the accompanying documents, designed to illustrate and sustain the wishes of the memorialists.

With the highest respect,

I have the honor to be,

Sir, your most ob't serv't,

C. F. MERCER,

Ch'n of a com. of the C. & O. C. C.

To his excellency, J. Andrew Shulze, Governor of Pennsylvania.

To the Senate and House of Representatives of Pennsylvania in General Assembly convened:

The memorial of the undersigned committee, acting under the authority, in the name, and on behalf of the Chesapeake and Ohio canal convention, which met in the capitol of the United States, in the city of Washington, on the 6th of November, 1823, and re-assembled in the same city on the 6th of December, 1826, respectfully represents: That, by certain resolutions contained in the proceedings of that convention, a copy whereof is hereto annexed, your memorialists have been deputed to address your honorable body, for purposes set forth in the proceedings before mentioned, and the accompanying report of the United States' board of internal improvement, communicated to the congress by the president of the United States on the 7th day of December last.

Referring to the above report and proceedings, your memorialists most respectfully suggest, that it has become expedient in the opinion of the convention, to obtain such an amendment of the charter of the Chesapeake and Ohio canal company, as shall enable the company to avail themselves of the new facilities disclosed by the recent examination and survey of the United States engineers, for connecting the Potomac and Ohio rivers, by a navigable canal, between Cumberland and Pitts-

burg. The act of the last general assembly of Pennsylvania, concurring upon certain conditions in the charter granted by the states of Maryland and Virginia, and the congress of the United States, with the assent of the existing Potomac company, comprehends among those conditions one of the amendments now sought to be obtained by the convention.

In defining Pittsburg as the western termination of the proposed canal, it also accords with the recommendation of the United States' board of internal improvement, and with the wishes of the convention, so far as they have been expressed.

The power, however, to extend a branch canal up the river Potomac, to the coal banks at the base of the Allegheny, in the event, that the main line of communication across that mountain shall leave the Potomac, as is now probable, at the mouth of Wills creek, is not provided for, among the conditions to which your memorialists refer; and yet, upon the future exercise of such a power, the profits of the entire canal may materially depend. It is also desirable to give to this power such latitude as may authorise, if it shall be deemed expedient, a reduction of this branch to less dimensions, than those prescribed as the minimum breadth of the main canal, and to provide, if it shall be hereafter deemed expedient, on the mountain section of the canal, for a substitution, in lieu of a tunnel and numerous locks, of inclined planes, and railways, or any other artificial road or communication.

With this amendment, your memorialists are required further to solicit such a subscription of stock, from the commonwealth of Pennsylvania, to the Chesapeake and Ohio Canal, as shall, in your wisdom and justice, comport with the relative interest of the citizens of Pennsylvania, to that of her sister states and of the Union, in the execution of this great enterprise.

Should the route of this canal be ultimately made to accord with the recommendation of the United States' engineers; or leaving the Potomac, at Cumberland, proceed from thence to the mouth of Casselmans' river, the interest of Pennsylvania, great before, will be much augmented in the accomplishment of this beneficent work. The entire summit level, the most expensive portion, and almost the whole western section of the canal, will lie within the territorial limits of your commonwealth. More than one-third, and probably a full moiety of the entire cost of the canal, will be there expended, and Pittsburg, assured of becoming the commercial emporium of the west, in time of peace, and of the United States, in time of war.

It is under impressions derived from these reflections, and from a knowledge of the liberal policy hitherto pursued by the commonwealth of Pennsylvania, in relation to all objects of internal improvement as well as from a reference to the numbers, resources, and wealth of her people, that the convention have anticipated, from your honorable body, a participation in the views which have prompted this appeal to the munificence, wisdom and equity of a great and flourishing state.

In the same spirit, the committee are charged by the convention, whose sentiments they express, to invite the particular attention of your honorable body to the terms, annexed by your predecessors, as the condition of their concurrence in the acts of the general assemblies of Virginia and Maryland, in incorporating the Chesapeake and Ohio Canal Company.

The convention feel the deepest interest in the speedy accomplishment of the whole line of inland navigation, between the tide of the Potomac and the extensive vallies of the Ohio and the Mississippi.

If this work were finally to terminate at Cumberland, or but a little higher up the Potomac, at the eastern base of the Allegheny, the great purpose, which has twice assembled the convention, would be lost. But while this obvious truth inspires your memorialists, and their constituents, with the most anxious desire to complete their great undertaking, in the shortest possible time, peculiar and urgent considerations, in the nature of the enterprize, and the condition of the country, indicate the policy of adhering to that order of completing its two great divisions, which the present charter prescribes. The extent of the rivers and navigable streams, which empty into the Potomac, the Monocacy, Antietam and Conococheague, streams interesting to Pennsylvania, as well as to Maryland, the South Branch and Shenandoah rivers, with Pattersons, Cacapon and Opecon creeks of Virginia, affording at present a navigation of three hundred and seventy miles; but above all, the inexhaustible masses of mineral coal, on the borders of this great river, will render certain an immediate and liberal profit on the completion of the eastern section of the canal. But, until its completion, this profit will be greatly reduced by the necessary absence of the contributions of the coal trade, which cannot flourish, before the canal reaches the rich banks of this mineral, to which it is designed to conduct it.

To retard this result, by dividing, between the two extremes of this extensive work, any part of the sums which may be subscribed to its common stock in the manner required, as a

condition to the assent of Pennsylvania to the charter, would occasion a loss of profit, on both of its sections, unless a sum sufficient for the completion of both, be at once supplied; in which event, the condition would be wholly inoperative.

Its only practical effect, therefore, if it have any, must prove injurious. For if it threaten a great delay of profit to the subscribers of the stock of the entire canal, it will discourage the original subscriptions; and if it afterwards retard the expected profit, such delay would prove alike injurious to those future subscriptions, which will become indispensably necessary, in the event that the sums first subscribed shall prove inadequate to the completion of the whole canal.

On several American canals (as on that first contemplated between the Chesapeake and Delaware bays), the delay of revenue, from the first expenditures, proved fatal to their successful prosecution; and where, as on the James river and Potomac canals, still prosecuted, the capital of their first subscriptions have been sunk, before others could be obtained, owing to the same misfortune.

To avoid any hazard of a result so deplorable, was the chief object which prompted the convention to provide that the eastern section of the canal should be first completed.

Until this be done, it cannot be an object of very high importance, to extend a navigable canal up the Monongahela and Youghiogany rivers; and consequently, it is alike expedient, as regards the interest of Pennsylvania, and of every other party to this extensive work, first to finish that section of the entire work, which it is most expedient first to commence.

For another defect which is supposed to exist, in the act to which your memorialists have referred, they beg leave to call your attention to the first report, embraced in the accompanying copy of the proceedings of that convention, whose wishes your memorialists have been deputed to represent to your honorable body. It is to the form of that reservation, which your predecessors have made, of the right of Pennsylvania to participate in the common use of those streams of water, within her territory, required for the supply of the Chesapeake and Ohio Canal.

To the other sections also, of the same act, your memorialists most respectfully invite the attention of your honorable body, under an impression that it may seem to your wisdom expedient, so to modify some or all of them, as to attain all the purposes of their enactment, and at the same time, to facilitate the perfection of the charter of the Chesapeake and Ohio

Canal Company, which must be incomplete, for its great end, so long as the state of Pennsylvania shall withhold her assent to its provisions, or annex to that assent impracticable conditions.

Signed on behalf of the committee.

C. F. MERCER, Chairman.

Washington, January 15, 1827.

To the Assembly with a Letter from the Governor of Ohio Concerning the Pennsylvania and Ohio Canal Company.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO you a copy of a letter from the Governor of the state of Ohio, accompanied by a copy of an act of the legislature of that state, to incorporate the Pennsylvania and Ohio Canal Company, which I am requested by said letter to lay before the general assembly of Pennsylvania, for their assent.

J. ANDW. SHULZE.

Harrisburg, February 1, 1827.

Columbus, Ohio, Executive Office,
January 18, 1827.

His Excellency, the Governor of Pennsylvania:

Sir—In obedience to a resolution of the general assembly of this state, I herewith transmit to your excellency an authenticated copy of an act entitled "An act to incorporate the Pennsylvania and Ohio Canal Company," passed the 10th day of January, 1827, with a request that you will lay the same before the legislature of the state of Pennsylvania, and invite their assent thereto.

I have the honor to be,

Sir, with great respect,

Your most obedient,

ALLEN TRIMBLE.

To the Assembly Transmitting a Report Concerning
the Erection of the Western Penitentiary.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO you a copy of the report of the president of the board of commissioners, for the erection of a state penitentiary, on the public land adjoining the town of Allegheny, opposite the city of Pittsburg.

J. ANDW. SHULZE.

Harrisburg, February 3, 1827.

To his Excellency J. Andw. Shulze, Governor of the Commonwealth of Pennsylvania:

The commissioners for the erection of a state penitentiary on the public land, adjoining the town of Allegheny, opposite Pittsburg, respectfully report:

That subsequently to the date of the last annual report which they had the honor of transmitting, the board have expended the sum of fifteen thousand three hundred and twenty-five dollars and eighty-seven and one-half cents, which, added to the previous expenditure, makes the present cost of the building amount to one hundred and seventy thousand eight hundred and fifty-one dollars, thirty-four and one-half cents, and leaves an unexpended balance of eight thousand and sixty-nine dollars, sixty-five and one-half cents; a sum which the board still confidently expect will be sufficient for the completion of this noble edifice.

It will be perceived that in the above statement, the commissioners have not included the appropriation of five thousand dollars made at the last session of the general assembly, for the purpose of furnishing the building, procuring locks, stoves and grates for the cells, and fencing the ground. Of this last mentioned sum, two thousand two hundred and eleven dollars, ninety and one-half cents, have been expended in the manner contemplated by the legislature.

The committee appointed at the request of the board, contained in their communication of the sixth of January last, having been informed that the board would be ready on the first of July to deliver over to the inspectors, a portion of the building and cells, well finished and amply sufficient for the accommodation of all the officers of the institution and their

assistants, and the safe custody of all prisoners that might arrive before the whole works should be completed, assembled at Pittsburg on that day, to commence their inspection of the building, and examination of the accounts. Their report has been made, to which this board respectfully beg leave to refer, and to state, in addition, that on the appointed day, they delivered over to the inspectors a sufficient portion of the building and cells, to answer fully the above mentioned purposes, of which your excellency has been advised by the communication of the commissioners, dated July 10, 1826.

Since that time, the work has steadily advanced, and during the whole season, has progressed with unexampled rapidity. The main building, with the exception of the cupola and front door, is finished, as are also the kitchen, women's ward, and most of the cells. Little remains for the ensuing season but the fences; that, although the commissioners have it not in their power to say that the building is yet fully completed, it so nearly approaches that state as to be capable of being applied to its intended uses, without interference with the workmen in their final labors.

With high respect,

I have the honor to be,

Sir, your most ob't serv't,

JAMES ROSS,

Prest. of the board.

Magnus M. Murray, Clerk.

Pittsburg, January 16, 1827.

To the Assembly Transmitting a Resolution of the
Legislature of Alabama Concerning Slavery.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO you a copy of a communication from the governor of the state of Alabama, with a resolution of the legislature of that state, disapproving of certain resolutions of the states of Delaware, Connecticut, Illinois and Indiana, concurring with a resolution of the state of Ohio, proposing the emancipation of slaves, and a

resolution of the state of New Jersey, recommending a system of foreign colonization.

J. ANDW. SHULZE.

Harrisburg, February 15, 1827.

Executive Department, Alabama,
Tuscaloosa, January 8, 1827.

His Excellency, the Governor of the state of Pennsylvania:

Sir—I have the honor to transmit you a certified copy of "A joint resolution of the Senate and House of Representatives of this state, disapproving certain resolutions of the legislatures of the states of Delaware, Connecticut, Illinois and Indiana, concurring with a resolution of the state of Ohio, proposing the emancipation of slaves, and a resolution of the legislature of New Jersey, recommending a system of foreign colonization;" which I beg you to lay before the legislature of the state over which you preside.

I have the honor to be,

Most respectfully,

Your excellency's ob't serv't.,

JOHN MURPHY.

By the Governor.

JAMES I. THORNTON,

Secretary of State.

A joint resolution of the Senate and House of Representatives of the state of Alabama, disapproving certain resolutions of the legislatures of the states of Delaware, Connecticut, Illinois, and Indiana, concurring with a resolution of the state of Ohio, proposing the emancipation of slaves; and a resolution of the legislature of New Jersey, recommending a system of foreign colonization.

The select committee, to whom was referred a resolution of the state of Mississippi, transmitted in a special communication to this House by his excellency the Governor, disapproving of resolutions passed by the legislatures of the states of Ohio, New Jersey, Delaware, Connecticut, Indiana and Illinois, on the subject of the abolition and general emancipation of persons of color, held in servitude in the United States, having had the same under consideration, respectfully submit the following report:

They conceive that the subject is one in which the states (where the evil complained of exists) are alone interested;

that the frequent interference of the non-slave holding states, in a matter so purely internal and domestic, is alike impolitic and incompatible with the rights and interest of the slave-holding states; and that the dictates of policy forbid the too frequent agitation of a question, which, by the constitution of the United States, and of the several slave holding states, is beyond the exercise of legislative control. Your committee further suggest, that if, at any future day, the evil complained of becomes too oppressive to be borne, it will be the peculiar privilege, as well as duty of the slave holding states themselves, to apply such expedients of relief as their information may suggest, and their own interests and safety may require; and in determining the proper time when this great work of policy and benevolence shall commence, they conceive that the states most interested in the result, can alone be the proper judges.

Your committee, therefore, ask leave to recommend the following joint resolution to accompany this report.

Resolved by the Senate and House of Representatives of the state of Alabama, in general assembly convened, That the resolutions of the states of Delaware, Connecticut, Illinois and Indiana, concurring with a resolution of the state of Ohio, proposing the emancipation of slaves, passed on the seventh day of January, one thousand eight hundred and twenty-four; together with a resolution from the state of New Jersey, recommending a system of foreign colonization to be adopted, to effect the entire emancipation of slaves, be, and the same are hereby disapproved by the legislature of this state; and that his excellency, the governor, be hereby requested to transmit a copy of this resolution and report to the executive of each of the United States.

To the Assembly Transmitting a Letter from the Secretary of the Navy Concerning the Cession of Certain Lands near the Philadelphia Navy Yard to the General Government.

Gentlemen—

I HAVE THE HONOR OF TRANSMITTING TO you, a copy of a communication from the Secretary of the Navy of the United States, requesting, in conformity to a resolution of congress, (a copy of which

is also sent,) that jurisdiction over such lands as are owned by the United States, and improved for public purposes, at the navy yard, near Philadelphia, may be ceded to the United States by the government of the state of Pennsylvania.

J. ANDW. SHULZE.

Harrisburg, Feb. 19, 1827.

Navy Department,
February 13, 1827.

To his Excellency J. Andw. Shulze, Governor of Pennsylvania:

Sir—I have the honor to enclose a copy of a joint resolution of the Senate and House of Representatives of the United States, and in compliance therewith, to request that jurisdiction over such lands as are owned by the United States, and improved for public purposes, at the navy yard, near Philadelphia, may be ceded to the United States, by the government of the state of Pennsylvania.

I am, very respectfully, &c.,
SAMUEL L. SOUTHARD.

Resolution directing the Secretary of the Navy to apply to the government of Pennsylvania for jurisdiction over certain lands at the navy yard, Philadelphia.

Resolved, by the Senate and House of Representatives of the United States of America, in congress assembled, That the secretary of the navy be directed to request the government of the state of Pennsylvania, to cede to the United States, jurisdiction over such lands as are owned by the United States, and improved for public purposes, at the navy yard, near Philadelphia.

JOHN W. TAYLOR,
Speaker of the House of Representatives.
NATHANIEL MACON,
President of the Senate, pro tempore.

Approved 24th January, 1827.

JOHN QUINCY ADAMS.

To the Assembly with Papers from Georgia Concerning the Difficulties between that State and the General Government.

Gentlemen—

A GREEABLY TO THE REQUEST CONTAINED in the accompanying copy of a letter from the Governor of the state of Georgia, I have the honor to lay before the legislature, a copy of a report and resolutions of the legislature of that state, relative to the differences between the general government and the state of Georgia, together with sundry printed documents. As one set of the printed documents only has been received, I have directed them to be sent to the Senate, for the use of both Houses.

J. ANDW. SHULZE.

Harrisburg, February 19, 1827.

To the Assembly Transmitting a Document Concerning the State Penitentiary near Pittsburg and a Resolution of the Legislature of Ohio Proposing an Amendment to the Federal Constitution.

Gentlemen—

I HAVE THE HONOR TO LAY BEFORE YOU, agreeably to the request contained in the accompanying letter, a copy of a communication from the board of inspectors of the state penitentiary opposite Pittsburg.

I also have the honor of laying before you, a copy of a report and certain resolutions of the general assembly of the state of Ohio, relative to a proposed amendment to the constitution of the United States, on the subject of the election of president, together with a copy of a letter accompanying the same.

J. ANDW. SHULZE.

Harrisburg, February 22, 1827.

Pittsburg, February 12, 1827.

To J. Andw. Shulze, Esq., Governor of the Commonwealth of Pennsylvania:

Sir—I respectfully enclose for your consideration, a communication from the board of inspectors of the state penitentiary opposite Pittsburg, with a request from the board that you will cause the same or copies thereof to be laid before both houses of the legislature.

I am very respectfully,

Your obedient servant ,

A. BRACKENRIDGE,
Secretary Board of Inspectors.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

The board of inspectors of the western state penitentiary, believing that a deep interest is taken in all that concerns an institution whose design is to seclude, punish and reform, the unhappy subjects of criminal convictions, whose buildings and accommodations though yet incomplete, have been acquired at a great expenditure; whose organization has been but recent and whose operations are yet in a state of partial development, offer no apology for submitting to the legislature a brief view of its progress and present condition.

Early in the month of May last, the board having been duly constituted and organized, immediately proceeded to select officers for the immediate and effective government of the penitentiary. One principal, one assistant keeper, one clerk, and two physicians, were deemed in the first instance indispensably necessary. The office of second assistant keeper was also created. From motives of economy, this post remains vacant, and is to be filled as soon as an increase of convicts shall render it necessary. With the addition of two more watchmen, and some subordinate assistants whose duties are yet undefined, it is believed that the existing organization will be sufficient for all the purposes of the government of the penitentiary for a considerable period to come.

In making their appointments, the board has endeavored to procure intelligent, moral and efficient men; and in the allotment of their compensation, the strictest economy has been consulted, compatible with the attainment of individuals of such qualifications. It is anticipated, that as the means of the

institution become enlarged, and the duties and responsibilities of these officers become extended, there will be a propriety in affixing a more liberal and equitable compensation.

The board also lost no time in establishing a number of regulations defining the duties of the different officers, and prescribing rules for the government of the prisoners.

A table shewing the names of the officers of the penitentiary, on the first of January, the dates of their appointments, and salaries, will be found annexed. There is also subjoined, an extract from the regulations, shewing the diet and clothing of the prisoners.

Having progressed thus far in these preliminary arrangements, and having also received from the commissioners for building the penitentiary, a part of the necessary furniture, cooking utensils, &c., the board was informed, that on the first of July a portion of the buildings and one section of the cells would be in a condition to be occupied. Accordingly, on that day an interview took place between the two boards; and the state of the work having been examined, the result was, that such parts as were in a condition for occupancy were accepted, and immediately put under the charge of the principal keeper and his assistant. Since that period, convicts have been received from several counties, and considerable progress has been made in the completion of the remaining buildings.

This penitentiary having been contemplated for solitary confinement, without labor, a singular anomaly exists between the sentences of the convicts and their mode of treatment. By the existing laws, hard labor is a component part, and leading feature of the punishment; and under this system it is, that the term of servitude is extended to a longer period than would probably be required under strict solitary confinement. But the board at Pittsburg has not the means, such as workshops and tools, of putting them to employment. Neither, probably, is it at all desired that they should do so, as it is to be presumed the system of solitary confinement is to be exclusively adhered to, and a fair experiment made of its advantages. That this system is well, though expensively, calculated for the safety of society, in the complete seclusion of the convict; and that it is well adapted to cherish the hopes of his ultimate reformation, as any that can be devised, there can be no doubt. It must, however, be admitted, that it is still made a question, whether the same effects could not be equally well obtained, by compelling him to labor at some useful occupation, either in solitude, or in small companies, resorting to strict

confinement for limited periods, as a severe punishment for the higher grades of crime, and when necessary, using it as a means of disciplining and subduing the refractory. He could thus, as is alleged, be compelled in some measure, to render up to society a remuneration for his maintenance and custody.

It is hardly practicable, with the present plan of the penitentiary to carry into effect complete solitary imprisonment, without keeping the criminals continually immured in their respective cells. So strict a course of confinement, continued steadily, for any considerable period of time, would, it is to be feared, occasion a waste of health. Exercise is necessary, and that exercise ought to consist of application to labor or walking within prescribed limits. Yet we have seen that labor is not provided for in this penitentiary; and as to the opportunity of walking, that, under present circumstances, must necessarily be indulged in front of the entire row of cells to which the prisoner may be attached, and is in full view and hearing of the occupants. To remedy this inconvenience, the board recommends that separate yards in one or two of the sections be laid off and walled in, in front of each cell. This improvement can be done at a trifling expense; and if hereafter, even the laboring system should be introduced by the legislature into this penitentiary, these cells thus enclosed or separated, would be peculiarly well adapted to the close confinement of the more refractory and desperate offenders.

In offering these suggestions, which might seem to bring into view the comparative efficacy of solitary confinement, and confinement united with labor, the board does not wish to be understood as venturing to recommend a preference of the latter mode; but, on the contrary, they would be gratified, if the legislature should continue to afford the opportunity of fully testing the value and effects of the strict system of seclusion and confinement, before a plan which seems, in the opinion of many intelligent philanthropists, to promise the most wholesome results in the security of society and reformation of the unhappy victims of vice, should be abandoned forever.

The prisoners received into the penitentiary have remained, generally, in good health, without any remarkable depression or dejection of spirits. Their deportment also, has been orderly and submissive. It is proper to admit, however, that a greater share of exercise and indulgence has been extended to them than can be expected after an increase of the criminal population of the establishment. It may also be mentioned that in two instances, tools have been provided, and the con

victs allowed to work at their trades, with beneficial results. So far, the conduct of every convict has been exemplary.

The board has not been able, yet, to fix, satisfactorily, the cost of the clothing, fuel and provisions of the convicts. It is their desire to reduce these items to the most economical standard, and to render the burthen on the counties as light as possible. They do not, therefore, at present, venture to furnish any statement of these items, but they undertake to assert, that the cost of maintenance, at this penitentiary, will be considerably less than what has been charged at Philadelphia.

By the act of the last session, the sum of two thousand dollars was appropriated for the government of the penitentiary. This sum has been partly expended, and the balance on hand will not be adequate for the ensuing year. An additional appropriation is indispensably necessary. It is also to be hoped that the legislature will establish, as soon as possible, some permanent system by which the annual expenses of the government of the penitentiary may be provided. In granting the two thousand dollars, the legislature would seem to have expected this sum to be repaid by the counties, yet with great deference, we know of no law or practice by which the counties can be required to support this expense. How the government of the Philadelphia prison is paid for, we do not exactly know; we have not found any item of this description charged in their accounts with the counties. How then are we to exact from the western counties any other charges than those necessary to the maintenance, clothing and fuel of their convicts? From the first to the 31st July there was no prisoner in the penitentiary. What county is to bear the expense of that month? From the 31st July to the 27th August, there was but one prisoner. Is the whole cost of the government of the penitentiary for that time, at the rate of 1,500 to 2,000 dollars a year, to be charged to that convict, in addition to his maintenance? Surely this is unreasonable; and yet, if the counties are to bear the burthen, such a result is inevitable. This could not have been the intention of the legislature. It is therefore only necessary to point out the circumstance, to induce them to provide for it. The board, therefore, confidently trusts that the legislature, regarding this penitentiary as what its name imports it to be, a state penitentiary, and its government a state care, a state expense, will provide the necessary funds, out of a state treasury, until, at least, they shall have prescribed some practicable and equitable mode of

assessing the expense upon the counties, if by the counties it is to be borne. In either case, legislation is requisite; and if the western penitentiary is to look to the counties for the support of its government, this board sees no mode more equitable than assessing the amount annually or semi-annually, pro rata, in proportion to population or taxation, upon all the counties of the district, whether they have convicts in the penitentiary or not. Those counties who fortunately have no convicts to support, ought not to complain. They ought and surely will be satisfied with that blessing, and not be disposed to question the justice of a law which shall require them to contribute towards the preservation, organization and government of an institution which may be considered in the light of a common stock, and at all times ready for their use. If this plan be not approved, then none other worthy the dignity and justice of the state, suggests itself than that first proposed.

With these views, the result of as much examination as the board can spare to this subject, and of limited experience, the condition of the western state penitentiary is respectfully submitted to the wisdom of the legislature.

JOHN DARRAGH, President.

A. Brackenridge, Secretary.

February 8, 1827.

List of Convicts Received in the Western Penitentiary, from the 1st of July, 1826, to 1st January, 1827.

Names.	County.	Sex.	When received. 1826.	Crime.	Length of Sentence.
James Young,	Allegheny,	Male,	July 31,	Larceny,	1 year.
Henry Lang,	Huntingdon,	do.	Aug. 25,	do.	18 mos.
Samuel Bowers,	Westmoreland, ...	do.	Sept. 5,	do.	2 yrs.
James Dougherty,	do.	do.	do.	do.	do.
John King,	Bedford,	do.	Sept. 6,	do.	do.
Maria Penrose,	do.	Female, ..	do.	do.	15 mos.
Frederick Marker,	Somerset,	Male,	Sept. 14,	do.	1 year.
Peter Atherton,	Washington,	do.	Oct. 4,	do.	do.
Joseph Mills,	Westmoreland, ...	do.	Dec. 6,	do.	9 mos.
Vechel Stevens,	Venango,	do.	Dec. 12,	do.	5 yrs.

Received Subsequent to 1st January, 1827.

Jonathan Robeson,	Beaver,	Male,	Jan. 22,	Malicious mischief, ...	5 yrs.
Jesse Strait,	Bedford,	do.	Jan. 29,	Larceny,	2 yrs.

List of Officers of the Penitentiary, and Their Compensation, up to 1st January, 1827.

Names.	Office.	Salary per ann.	Commencement of service and Salary.	Am't of sal'y to 1st Jan., 1827, inclusive.
John Hannan,	Principal,	\$550 & fuel and light,	July 1, 1826,	\$275 00
Thos Baird,	Clerk,	400 & do.	do.	200 00
Wm. Cochran,	1st ass't,	400 & do.	Aug. 1,	166 67
	2d do.	350 & do.	Not employed.	
Wm. F. Irwin, ...	Physician,	100	Sept. 7, 1826,	62 78
Wm. H. Denny, ...	do.	100		
		\$1,900		\$704 45

Extract from the Regulations of the State Penitentiary, opposite Pittsburg.

Clothing.

Men—Summer—Coarse linen shirts, trousers and roundabouts, wool hat.

Winter—Woolen or linsey roundabouts, trousers, and shirt of tow linen.

Women—Of the same materials.

Diet.

Sunday—One pound of bread and one pound of coarse meat made into broth.

Monday—One quart of Indian meal made into mush, with one-fourth pint molasses.

Tuesday—One pound of bread, and one quart of potatoes.

Wednesday—One pound of bread, and one pound of coarse meat, made into broth.

Thursday—One pound of bread, and one quart of potatoes.

Friday—One quart of Indian meal, made into mush, and one-fourth pint of molasses.

Saturday—One pound of bread, and one quart of potatoes.

Resolutions of the general assembly of the state of Ohio, proposing an amendment to the constitution of the United States, relative to the election of electors of president of the United States.

The select committee, to whom was referred the communication of the governor of the state of Georgia, of the 20th December, 1826, recommending an amendment to the constitution of the United States, and also the resolution of the Senate on that subject, have had the same under consideration, and ask leave to report: that in the opinion of your committee, frequent changes in the fundamental law of any community, are unwise and injurious, and should not be attempted for slight and trivial causes: but when we are called upon to give our assent to a proposition to change the federal constitution—one conceived in the most profound political wisdom; one that has secured to these United States, both civil and religious liberty in their fullest enjoyment; that has given to us a succession of presidents, equally illustrious for their talents and their patriotism, under whose guidance and protection, we have become a great, powerful and happy nation. A sense of duty to ourselves and our posterity, forbid the hazard of all

those blessings on an untried experiment. But should a constitutional majority of the states composing this Union, or of Congress, deem it advisable so to amend the constitution of the United States, as to prevent the election of president in any event, from devolving on the House of Representatives, your committee recommend, that it be made on the basis of political justice, the voice of the free white male citizens of the United States: Therefore

Resolved by the General Assembly of the State of Ohio, That in that event, our senators in congress, be instructed, and our representatives requested to use their endeavors to procure such an amendment to the constitution of the United States, as will authorise all free white male citizens of the United States, of the age of twenty-one years, to vote directly for president of the United States; and at the same time, to vote for as many electors, as the state may be entitled to have senators and representatives in congress; which electors shall, in case no candidate shall have a majority of all the votes given by the free white male citizens of the United States, of the age of twenty-one years, proceed forthwith, to elect a president, from the two persons having the highest number of votes.

Resolved, That his excellency the governor, be requested to forward a copy of the foregoing preamble and resolution, to the president of the Senate and speaker of the House of Representatives of the United States and a copy to each of our senators and representatives in congress; and also a copy to each of the governors of the several states.

To the Assembly Transmitting the Report of the Adjutant General.

Gentlemen—

I HAVE DIRECTED THE SECRETARY OF THE commonwealth to lay before the legislature, a copy of a letter from George B. Porter, Esquire, adjutant general of the state of Pennsylvania, together with a return of the militia, and also the return of ordnance, camp equipage and military stores, the property of the commonwealth, deposited in the state arsenals and in the several brigades.

J. ANDW. SHULZE.

Harrisburg, March 22, 1827.

Adjutant General's Office,
Lancaster, March 10, 1827.

His Excellency J. Andw. Shulze, Governor of Pennsylvania:

Sir—Agreeably to the provisions of the act of assembly, for the regulation of the militia of this commonwealth, I have the honor to present to you, to be submitted to the legislature, the enclosed detailed report of the militia, particularly designating "the number of militia in each brigade and regiment, and the number and kind of volunteer corps attached to the same respectively." And also, a return of the ordnance, camp equipage, and military stores, in the state arsenals, with the state and condition thereof.

This report has, unavoidably, been delayed beyond the usual time, in consequence of the neglect of several brigade inspectors to make their annual returns, although directed to forward them to this office in September last—of the sickness, and consequent inability of the keeper of the Philadelphia arsenal, to make his report when required; but, more particularly, under the expectation that from information I would receive from the War Department, something of importance might be communicated, on the subject of the settlement of the heavy account between this state and the United States, for arms, camp equipage, and military stores, that passed between the two governments from the year 1808 to 1816; which, by the act of assembly, passed the 29th of March, 1824, the auditor general and adjutant general were authorised to adjust and settle with the government of the United States. I am sorry, that, after this long delay, it is not in my power to present a more acceptable statement of the situation of this account. As, however, it is not in the power of the auditor general and myself "to render an account of the settlement," as required by the act of assembly, because no final settlement has yet been effected, I consider it proper to report the present situation of it. The importance of this business is not generally known. The account of the United States against the state, consisting of issues of arms, camp equipage, and military stores, of almost every description, amounts in value to between three and four hundred thousand dollars. Regular vouchers are, in most instances, produced, supporting the items of charges, as the officers of the general government usually took duplicate receipts, for all articles issued to the executive, or other officers of the state. On the part of the state, but few legal vouchers were to be found; and hence

we had to procure, by affidavits and otherwise, such documents as would enable us to make an adjustment and settlement "on such principles as might be deemed equitable and just." The accounts and vouchers of the state having been put into my hands by the auditor general as the subject matter seemed more particularly to belong to this office, after much labor and attention; visiting Harrisburg and Washington; and afterwards prevailing on the officer authorised to attend to the business on the part of the United States, to come to this place, we succeeded on the 23d of February, 1826, in effecting a settlement and adjustment of the whole accounts. Mr. Mann, the auditor general, agreed with me, and approved of what had been done; and the account as adjusted was immediately forwarded by the officer of the United States, to the War Department for ratification. It may be considered improper to state the particulars of this settlement, as it has not yet been confirmed by the general government; and hence I reluctantly omit it, conscious that the result was much more favorable to the state, than the most sanguine friend had anticipated. By letters now received from the ordnance department, it appears that the accounts and vouchers were submitted to the third auditor of the treasury, "who has made a voluminous report to the secretary of war, extending to forty or fifty pages of remarks;" and owing to the discovery of new matter, as is alleged, the whole settlement must be gone over again; or, in their language, "a re-examination of all the vouchers by both parties, appears to be necessary, before a final adjustment of the account can be made;" and for this purpose, it is suggested, that I must again attend at Washington. Whether it can reasonably be supposed that, in addition to what I have already done, I should devote more time to this business, and incur the expense of another journey to the city of Washington, without any certain compensation, is respectfully submitted for the consideration of the legislature.

It affords me pleasure to state that I have at last effected an exchange, with the United States, of the three thousand and fifty German muskets which have been for years in the state arsenal, at Philadelphia, without incurring the expense of cleaning and repairing them, as provided for in the act of the 10th of April, 1826; thus saving to the state, not less than three thousand dollars.

In pursuance of the directions of the same law, I made the necessary contracts for repairing the arms belonging to the

state, (considered worth repairing), in the arsenals at Philadelphia and Harrisburg. Seven hundred and seventy-nine muskets have been already returned to the former, and six hundred and six to the latter arsenal, repaired and cleaned in such manner as reflects credit on the contractors, viz. Mr. George W. Tryon, of Philadelphia, and Mr. John Ford, of Harrisburg.

I, also, previously to the first day of August last, visited the several state arsenals, agreeably to the requisitions of the same law, and appointed a superintendent or keeper for each, viz: Major Daniel Sharp, is continued the keeper of the Philadelphia arsenal, and Col. Joel Bailey the keeper of the Harrisburg arsenal. I appointed Thomas Atkinson, Esq., keeper of the Meadville arsenal, in room of Col. Ralph Marlin, who was then very unwell, and incapable of attending to the duties, and is since deceased. Having found so respectable and competent a person willing to act as superintendent of the Meadville arsenal; and there being very few arms, and but little other military property of value therein, I respectfully suggested, for the consideration of the legislature, whether the adjutant general ought not to be relieved from the expenses and trouble of annually visiting this arsenal, as required by the second section of the act of 10th of April, 1826.

While on the subject of this arsenal, it is right to state that several repairs are absolutely necessary for the preservation of it. The lightning rods and water spouts have fallen down—the locks are out of order—and the roof is not sufficiently tight to keep out the rain. Experience has proved that the roof of this building, constructed of sheet iron, will not answer the purpose. It must soon be taken off, and something else be substituted. If copper, which is the proper article, be considered too expensive, a good shingle roof might do. The building is a considerable distance from any other, and but little apprehension need be entertained of fire being communicated to the roof.

There are also some repairs much needed at the Philadelphia and Harrisburg arsenals, as mentioned in my report of the 8th February, 1825. The interest of the state certainly demands that a small appropriation should be made for this purpose, or that I may be authorised to raise the necessary funds by the sale of sundry old articles in the arsenals, which will never be fit for service. For instance, the axes in the Meadville arsenal, &c., &c. On the final settlement of the account with the United States, I expect to receive, as the quota of this

state, up to this time, near 20,000 muskets (or their value in such other kind of arms, &c., as may be selected), and it would afford me pleasure to have the arsenals in proper condition for the preservation of so much valuable property.

During the last year, I have issued to volunteer companies, in various parts of the state, about four thousand muskets, and orders are now out for the supply of all others wanting this kind of arms, so far as requisitions have been made, except a few companies in the western part of the state, which I hope to supply in a few weeks, by muskets that I expect to receive, under directions from the ordnance department, at the United States' arsenal, near Pittsburg. In supplying the several volunteer companies, throughout the state, with muskets, I have endeavored to have it done at as little expense as possible; and perhaps not less than four hundred dollars, which would otherwise have been incurred in transportation, was saved by my going to Pittsburg last August, and making arrangements for the immediate distribution at that place of two thousand muskets, received at the United States' arsenal, among the volunteers of the neighbouring brigades, viz., in Allegheny, Washington, Greene, Fayette, Somerset, Westmoreland, Indiana and Armstrong counties, instead of having them hauled to the state arsenal at Meadville, and distributed from it. I have not been able to procure from the United States, the necessary field pieces for the use of artillery companies in the interior and eastern part of the state, but hope soon to receive a sufficient supply. It is my anxious desire, that before the expiration of my commission on the 3d day of August, the several volunteer companies in the state shall be supplied with everything the law contemplates, and that the several arsenals, provided the legislature will furnish the means, shall be repaired and put in order for the reception of the valuable property coming to the state from the general government.

I cannot omit repeating what I have stated in former reports, that provision ought to be made for supplying artillery companies with discipline. Besides, there are but few of the books on hand, prepared by my predecessors, Col. Carr, for the discipline of infantry, and none for the discipline of light infantry and riflemen, or of cavalry. Requisitions are frequently made for these books of discipline, and it is not in my power to supply them. I hope that provision may be made by law for procuring them. I could obtain those for infantry and riflemen, as mentioned in my last year's report, on very advantageous terms.

The volunteer companies generally, throughout the state, complain that sufficient encouragement is not given to them by the present militia law. Companies of artillery, and cavalry especially, are subjected to great expense. The latter are not supplied even with swords or pistols. Frequent applications are also made by rifle companies, to be supplied with rifles, which it is not in my power to grant. What further ought to be done on this subject, will be determined by an enlightened legislature.

Before closing this report, I beg leave to state, that it is matter worthy of serious consideration whether much good would not be derived from the appointment of a board of officers, to take into consideration the various alterations and improvements in the militia system, that have been or may be suggested, and to report thereon to the next session of legislature. Several supplements to the militia law have been passed since the act of 2d April, 1822, without having been printed in pamphlet form, and distributed among the militia officers. As new elections will take place in the summer of 1828, it will be necessary that the militia law and its supplements should be printed and ready for distribution to the new officers who may be elected. It is therefore supposed that if provision was made by law for the appointment of a board of officers, they might, between this time and next December, by inviting the opinions of officers and others throughout the state, acquire all the necessary information on the subject, digest the same, and report such a bill as would meet the approbation of the legislature, and thus save much of the valuable time of the members, who are, necessarily, during the session, much engaged in their arduous and important duties.

I have no hesitation in recommending the adoption of this measure.

I have the honor to be, with sentiments of the

Highest consideration of respect and esteem,

Your friend and obedient servant,

G. P. PORTER,

Adjutant General of Penn.

Summary or Recapitulation of the militia and volunteers of Pennsylvania, for the year 1826.

Governor and commander in chief,	1
Major generals ,.....	16
Brigadier generals,	32
Adjutant General,	1

Staff of general officers,	162
Infantry (militia), including officers,	136,944
Volunteer cavalry, 86 troops,	1,859
Do. artillery, 44 companies,	2,289
Do. infantry, 250 companies,	16,153
Do. riflemen, 174 companies,	10,318
	<hr/> 30,619
Grand total,	<hr/> 167,775

To the Assembly Transmitting a Resolution of the
Legislature of Maine on Internal Improvement by
the General Government.

Gentlemen—

I HAVE THE HONOR TO TRANSMIT TO YOU
copies of a preamble and resolutions, passed by the
legislature of the state of Maine, on the subject
of internal improvement by the government of the
United States.

J. ANDW. SHULZE.

Harrisburg, April 7, 1827.

State of Maine.

Executive Department,
Portland, March 17th, 1827.

Sir—The enclosed preamble and resolutions, passed by the
two houses of the legislature of this state, are transmitted
in compliance with the request therein contained.

I have the honor to be, sir,

Very respectfully,

Your most obedient servant,

ENOCH LINCOLN.

His Excellency the Governor of the State of Pennsylvania—
Harrisburg.

State of Maine.

House of Representatives,
February 8th, 1827.

The committee to whom was referred so much of the Gov-
ernor's communication, at the commencement of the session,

as relates to the subject of internal improvement, and a system for a proportional distribution of the surplus funds of the United States, to promote internal improvement have had that subject under consideration, and ask leave to Report:

That they are aware that much diversity of opinion exists as to the constitutional power of the government of the United States to appropriate money for the purposes of internal improvement. It is said that no idea was entertained, either by the advocates or opposers of the constitution, at the time when it was formed and adopted, that any such power was granted to the general government. The general idea then was, that that was a government for exterior and foreign affairs, and for objects purely national, but that all subjects of exclusive internal interest and domestic concern were left to the care of the states. In the animated discussion which that instrument produced in every state of the Union, it is scarcely possible that a grant of power so important and extensive in all its bearings should have escaped animadversion, if it was actually contained in it, or was intended so to be. But we do not propose to enter into an argument on the constitutional question.

We have looked at it only in a practical point of view. It is well known that the revenue of the United States, derived from imposts and the sale of the public domain, is much more than enough to cover all the ordinary expenses of the government, exclusive of the charge on those funds, for paying off the public debt. By the existing laws \$10,000,000 are annually applied for this purpose. By the operation of the sinking fund, about one-half of the debt has been paid since the conclusion of the last war; and it is calculated that the whole will be extinguished in about seven years more. If our income is not then diminished, and we believe that it will not be, and our current expenditure is not increased, and it is thought that it need not be, there will be an annual surplus of about \$10,000,000, which may be appropriated to works of public improvements or to the purposes of education. How this may be disposed of, so as to produce the greatest public good, is a question worthy of great consideration. So far as opinions have been expressed on the subject, there seems to be an united sentiment that it ought to be appropriated to promote the internal improvement of the country, by constructing roads and canals, and improving navigable water courses, &c., or to aid in the work of the general education of the people, by contributing to the support of schools, or to both these objects jointly. If the surplus revenue of the United States is to take

this direction, under what management should it be expended? Two modes have been suggested. First, for the general government to direct the expenditure on such works of national utility as they shall think advisable, reserving to themselves exclusively the selection of the objects, the employment of the agents and the sole direction of the works of improvement within the territorial jurisdiction of the several states. The second is, to distribute the funds to the several states, in just and equitable proportions, and to leave the expenditure to the judgment and discretion of the state government, under a general restriction that it shall be exclusively appropriated to works of internal improvement and to education.

Your committee, after mature deliberation, have come to a decided opinion that the latter mode is preferable, and if the legislature shall concur with them in their views, they think there is a propriety in their publicly expressing such opinion. The objections to the first mode we believe are many and strong.

The first relates to economy. The distance of the seat of the general government from the remote parts of the Union, is such, that its officers cannot have that constant oversight of its agents employed in the expenditure which is indispensably necessary to exercise over them an efficient and useful control. Under such circumstances, the expenses will always be great in proportion to the work accomplished. With a lavish expenditure, the work advances slowly and the agents grow rich. Such are the lessons of common experience in private life, where the principal is at such a distance from the agent, that he cannot oversee and give him direction in the detail of his business. That the public will find it so, we believe none can doubt.

But there are solid and weighty objections to this mode, of a different character. These roads and canals are to be constructed within the territorial limits of the several states. We do not advert in this, to the apparent violation of the state sovereignty; we look only to the practical side of the question. The United States government, may, perhaps, think a canal of public utility, which the state might think peculiarly injurious to itself. It might be such an one as might be beneficial to a neighbouring state, but injurious in a high degree, to the state within which it was made, by diverting from it its accustomed trade. It is unnecessary to enlarge on the unpleasant consequences which might, and probably would grow out of such cases, the heart-burning and jealousies between neighbouring

states, and the discord between the general government and those of the individual states.

The dangerous uses to which the exercise of such a power by the United States government may hereafter be applied, constitutes another objection. It will usually be an object with each of the states to have as large a portion of the public money expended within its limits as can be obtained. Yet the government may withhold the whole from any particular state which they choose. Thus one state may be enriched by a great and disproportionate expenditure within its limits, as a reward for its faithful attachment to the men in power, while every thing may be refused to another which contributes double the amount to the public treasury. The extent to which this may be carried, for the purpose of punishing opposition, or rewarding a blind subserviency to an existing administration, of purchasing support to a corrupt or pernicious system of government, by buying the people with their own money, may easily be seen, and need not be more than hinted at by your committee. Nothing can be more dangerous to the purity and stability of our political institutions.

The unlimited and overwhelming influence which this gives to the general government, in the employment at the public expense, of a vast number of persons in any state which they please, is another objection to this system. This influence, systematically managed for such a purpose, may be carried so far, as, in no distant time, substantially to annihilate the state governments, and lead to a practical consolidation of all power in the government of the Union. The state governments are, we believe, in our system, the great bulwark of liberty; when they are shorn of their honors, and crippled in their authority, and the mass of political power is absorbed in the great central government, the forms of liberty may remain, but the substance will be gone.

It cannot have escaped general observation, that hitherto in the administration of the ordinary powers of government, the influence of the general government has been on the increase, and that of the individual states on the decrease. The augmentation of the influence of the general government to so great an extent as it must be under the system that is proposed, would go far to destroy entirely that balance of power, between the United States and the individual states, which constitutes the great excellence of our political system.

Another objection is the dangerous and improper combinations which the system may lead to in the legislative de-

partment of the government. The members of different parts of the country, may unite together for the purpose of appropriating the whole, or an undue proportion of the public funds to those sections of country which they represent, to the exclusion of the rest. A little more than one half combining in this manner, may monopolize the whole disposable revenue of the country, and covering their own selfish purposes with pretence of the public good, swallow up millions of the public money, for the private benefit of, comparatively, a small number of individuals.

These views might easily be extended and amplified, and other arguments of not less cogency urged; but, without saying more, the committee feel constrained to conclude that it is highly inexpedient for the government of the United States to adopt a system of internal improvements, to be carried into execution within the limits of the several states, under the exclusive agency and direction of that government.

If the surplus funds of the United States are to be appropriated to these purposes, we think in every point of view in which the subject can be presented, the best mode will be to distribute these funds among the states, in proportion to their population, subject to the condition that they shall be exclusively appropriated by the state governments, to the purposes of internal improvement and general education. It is obvious that, so far as they are made tributary to education, the expenditures must be under the direction of the last governments; and, so far as they go to the objects of internal improvement, under such directions, we believe that they will be more wisely and more beneficially, as well as economically expended for the public. The local governments can best understand the wants of their own state, they have a deeper interest in the improvement to be made, can more effectually direct the expenditures to objects of the greatest utility, and by an immediate oversight of the work, are able with the greatest efficiency to control extravagance and prevent a waste of the public money.

With these views, the committee submit the following resolves:

Per order—DANIEL GOODENOW.

Resolved, That if it shall be the determination of the government of the United States to appropriate a part of its revenue to the purposes of internal improvement, in the constructions of roads and canals, and in improving the navigation of rivers, and in promoting education, it is the opinion of this

legislature, that the funds designed for these objects ought to be distributed among the several states, in proportion to their population, to be expended under the authority of their respective legislatures.

Resolved, That the secretary of state be, and hereby is directed to transmit a copy of these resolves with the preamble, to each of the senators and representatives in congress, from this state.

Resolved, That the governor be, and hereby is requested to transmit a copy of these resolves with the preamble, to the executive of each of the other states in this Union.

Proclamation of Reward for the Apprehension of Daniel Hicks, charged with the Murder of Levi Smith, of Allegheny County.

Pennsylvania ss.

[Signed] J. Andw. Shulze.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. By J. ANDREW SHULZE, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas, I have received an authentic copy of an Indictment found a "True Bill" by the Grand Inquest enquiring for the County of Allegheny at the Court of Oyer and Terminer and General Jail Delivery held in and for said County in this Commonwealth against a certain Daniel Hicks for the felonious murder of Levi Smith of said County in the month of March last, and that the said Daniel Hicks has fled from justice, and all efforts to arrest the said offender by the officers of justice have

hitherto proved ineffectual: And Whereas, the reputation of the Government, the peace and security of its Citizens, and the obligations of justice and humanity require, that the perpetrator of an offence so heinous should be brought to speedy and condign punishment, I have therefore thought it proper to issue this proclamation, hereby offering a reward of fifty dollars to any person or persons who shall apprehend the said Daniel Hicks in the said County of Allegheny, or within fifty miles of the place where the said murder is alleged to have been committed, and secure him in the jail of the County of this Commonwealth in which he may be apprehended within that distance; the sum of one hundred dollars if the said offender shall be apprehended within this Commonwealth and more than fifty miles from the place of the alleged murder, and secured within any jail of the Commonwealth; and the sum of two hundred dollars if he shall be apprehended and secured without the limits of the State, which sum or sums are to be paid on the conviction of the offender of the crime aforesaid: And all Judges, Justices, Sheriffs, Coroners, Constables and other officers within this Commonwealth, are hereby required and enjoined to be attentive and vigilant in enquiring after and bringing to justice the alleged perpetrator of the crime aforesaid.

Given under my hand and the Great Seal of the State, at Harrisburg, this first day of May in the year of our Lord one thousand eight hundred and twenty-seven. and of the Commonwealth the fifty-first.

By the Governor.

I. D. Barnard,

Secretary of the Commonwealth.

Proclamation of Reward for the Apprehension of Samuel Culbertson, charged with the Murder of Joseph Alward, of Westmoreland County.

Pennsylvania ss.

[Signed] J. Andw. Shulze.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By J. ANDREW SHULZE, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas, I have received an authentic copy of an indictment found a true bill by the Grand Inquest, inquiring for the county of Westmoreland at the Court of Oyer and Term-

iner and General Jail Delivery held in and for said county in this Commonwealth, against a certain Samuel Culbertson, for the felonious murder of Joseph Alward of said county in the month of April last, and that the said Samuel Culbertson has fled from justice, and all efforts to arrest the said offender by the officers of justice have hitherto proved ineffectual:

And Whereas, the reputation of the government, the peace and security of its citizens, and the obligations of justice and humanity require, that the perpetrator of an offence so heinous should be brought to speedy and condign punishment, I have therefore thought it proper to issue this proclamation, hereby offering a reward of fifty dollars to any person or persons who shall apprehend the said Samuel Culbertson in the said county of Westmoreland, or within fifty miles of the place where the said murder is alledged to have been committed, and secure him in the jail of the county of this Commonwealth in which he may be apprehended

within that distance; the sum of one hundred dollars if the said offender shall be apprehended within this Commonwealth and more than fifty miles from the place of the alledged murder, and secured within any jail of the Commonwealth; and the sum of two hundred dollars if he shall be apprehended and secured without the limits of the State, which sum or sums are to be paid on the conviction of the offender of the crime aforesaid. And all Judges, Justices, Sheriffs, Coroners, Constables and other officers within this Commonwealth are hereby required and enjoined to be attentive and vigilant in inquiring after and bringing to justice the alledged perpetrator of the crime aforesaid.

Given under my hand and the Great Seal of the State, at Harrisburg, this eighteenth day of June in the year of our Lord one thousand eight hundred and twenty-seven, and of the Commonwealth the fifty-first.

By the Governor.

I. D. Barnard, Sec'y of Com'th.

To the Assembly Giving Notice of the Appointment of Calvin Blythe to be Secretary of the Commonwealth.

Gentlemen—

I SAAC D. BARNARD, ESQ., THE LATE SECRETARY, having on the 28th of November last, resigned the office of Secretary of the Commonwealth, it is proper to inform you that I have, on the above day, appointed and commissioned Calvin Blythe, Esq., his successor, during my continuance in office, agreeably to the seventeenth section of the second article of the Constitution.

J. ANDW. SHULZE.

Harrisburg, December 5, 1827.

To the Assembly Transmitting Certain Documents.

Gentlemen—

I HAVE THE HONOR TO TRANSMIT TO YOU, copies of a letter from the Governor of the State of Connecticut, accompanied by a Resolution of the General Assembly of that state, declaring it inexpedient to express any opinion on the subject of a resolution of the State of Maine, relative to the appropriation of funds for Internal Improvement.

I have also the honor to inform the Legislature, that Commissioners were appointed to act in conjunction with the Commissioners to be appointed on behalf of the State of Virginia, in pursuance of an act of Assembly, of this state of the 24th of March, 1817 and an act of the state of Virginia of the 8th of March last, to view and lay out a state road therein mentioned, and that information thereof was conveyed to the Governor of Virginia. Copies of the letters from the Secretary of the Commonwealth to the Governor of that state, and to the Commissioners appointed, being herewith transmitted.

I further inform you, that an official copy of the act, entitled "An act to incorporate the Pennsylvania and Ohio Canal Company" passed at the last session of the legislature, was transmitted to the Governor of Ohio as directed by said act.

I have also directed the Secretary of the Commonwealth to lay before you, a copy of the report of the board of Commissioners for the erection of a state Penitentiary, on the public land adjoining the town of Allegheny, opposite the city of Pittsburgh.

J. ANDREW SHULZE.

Harrisburg, December 5, 1827.

At a General Assembly of the State of Connecticut, holden at Hartford in said state, on the first Wednesday of May, in the year of our Lord one thousand eight hundred and twenty-seven.

Resolved by the Senate and House of Representatives in General Assembly convened, That it is, at this time, inexpedient that this legislature should express any opinion upon the subject matter of the resolution from the state of Maine, in relation to the funds which may be appropriated for objects of internal improvement.

Resolved, That his Excellency the Governor be requested to transmit a copy of the foregoing to the Executive of the several states.

A true copy of the record, examined and certified by

THOMAS DAY, Secretary.

Connecticut—Executive Department,

Fairfield, June 27, 1827.

Sir—The foregoing resolutions of the General Assembly of this state, passed at the session thereof just closed, are transmitted in compliance with the request therein contained.

I have the honor to be, sir,

Very respectfully,

Your most ob't servant,

GIDEON TOMLINSON.

To His Excellency, the Governor of the state of Pennsylvania.

To the Assembly Approving Resolution Requiring the Attorney General to reside at the Seat of Government.

Gentlemen—

I HAVE THIS DAY SIGNED AND APPROVED the "Resolution relative to the employment of Counsel by the Auditor General, in the case of the the Heirs of John Nicholson, deceased, and prescribing the duties of the Attorney General, and fixing his compensation," and directed the Secretary of the Commonwealth to return it to the house in which it originated. This Resolution was presented to me at the close of the last session of the Legislature. By one of the resolutions it was provided that from and after

the first of May then following, the Attorney General should reside at the seat of Government. Very little time was allowed the executive before the adjournment, to give the subject due consideration; and if then approved and signed, would have compelled the Attorney General to remove to the seat of Government within the space of fifteen days, or compelled the Governor, on his declining so to do, to have appointed another person to that important office, who should not only be so appointed, but commence his residence within that period.—This was allowing too limited a period to the Executive to make a selection of the first law officer of the State. He therefore availed himself of the constitutional right, and held the resolution under advisement till this session, which affords to the Attorney General an opportunity until the first of May next, to remove to the seat of Government, or on his failure to do so, gives the Executive till that day a period of about five months instead of a few days, to appoint a successor.

J. ANDREW SHULZE.

Harrisburg, December 5, 1827.

Annual Message to the Assembly—1827.

Fellow Citizens,

AMONG THE DUTIES WHICH CONSTITUTIONALLY devolve on the Chief Magistrate, there is none more important than the annual message which he delivers at the opening of every session of the General Assembly. It is my good fortune, and that of my country, that I have just cause, every year, to approach the discharge of this high duty, with renewed and increased feelings of gratification. General health, and a multiplication of the good things of this world,

are every where to be found throughout Pennsylvania. We are at peace, and plenty flows in upon us through every channel. The national debt contracted by the revolutionary war, by the purchase of Louisiana and the Floridas, and by the war of 1812, is nearly discharged, and the balance is paying off with unexampled rapidity; yet we are in the full enjoyment of the rights of man and of nations, and we have not only no direct tax to pay, but we have immense sums to devote to the erection of Fortifications and the advancement of Internal Improvement. May the Giver of all Good fill our hearts with gratitude, that our lot has been cast in such a country and at such times as the present! The prosperity we now enjoy is not one which arises from the devastating march of war in other countries, but is a consequence of that wise course of policy which has called forth all our resources and all our industry. Upon its permanence therefore we may confidently rely, and entertain a reasonable hope that it will increase as our resources, talents and industry, shall be encouraged to develop themselves. There is no good which government can bestow, that we have not derived from it. There is scarcely an evil which a watchful government can arrest, which we have not escaped. After fifty years experience, of an untried but well considered system, we are prosperous and happy beyond all former example, and enjoying, in the highest possible degree, the invaluable rights and privileges of civil and religious liberty. We cannot be too grateful to Almighty God for the blessings we enjoy, nor too anxious in our prayers to have them preserved to us and to our posterity.

On the system of internal improvement long practised upon in this commonwealth, I submitted my opinions at considerable length at the opening of the last session of the General Assembly. Upon a careful revision, I do not think there is any thing I would

wish to alter. To it, therefore, reference may be had, if any shall be deemed necessary, as to the Governor's views of that interesting study. I have the satisfaction to state that no doubt is entertained that the Union Canal will be completed early in the spring. The summit level, being a limestone country, it has been found necessary to plank a distance of seven miles. When this is finished, this great work will be ready to go into full operation. The whole line of the Pennsylvania Canal is under contract, and the contracts have been made at a price far below the estimates of the Engineers. From the representations made, I feel assured that fifty miles of the Western section of this canal, will be completed next spring. I will not, however, anticipate the interesting facts which will be submitted for your consideration, in the report of the Canal Commissioners.

By these improvements, when completed, the resources of Pennsylvania will be greatly augmented, her agriculture encouraged, her manufactures extended, and her internal commerce facilitated and enlarged. These cardinal interests, which thrive only in conjunction, will act upon each other with a mutually beneficial effect, to the common advantage of all our fellow citizens. The farmer, who supplies the raw materials as well as the food for the manufacturer, will find a steady and increasing market in his neighborhood, for the surplus productions of his farm. The manufacturer, if duly encouraged, will, in return, furnish the fabrics of ingenuity and industry. The facilities of communication will extend this profitable intercourse throughout the commonwealth, and while they give value to the minerals abounding in the soil of Pennsylvania, they will open new sources of wealth and additional incentives to industry. These benefits are already partially felt, and there is no reason to doubt but they will go on diffusing themselves, upon a scale

co-extensive with the liberal plan which the wisdom of the Legislature has devised.

It has been said, and the truth cannot be too often repeated, that in cultivating her own cardinal interests, Pennsylvania is promoting also the welfare of the other states. The strength of the Union depends, in no mean respect, upon the capacity of the several states to supply each others' wants, and the intercourse of kindness and good offices, which its free exercise will produce. Pennsylvania, rich in Coal and Iron, producing in abundance food for man, and provided, by the bounty of Providence, with numerous streams of water, affording the elemental power to set machinery in motion, seems destined to contribute a considerable part of her quota, towards the general welfare, by the fruits of industry, skilfully applied to manufactures. The maintenance of her relative rank, and her ability to uphold that Union, upon which our peace and happiness so much depends is, therefore, inseparably connected with Internal Improvements and American Manufactures. It is satisfactory to observe, that, justly appreciating her interest and her duty, she has spared no exertion, to promote the one and to fulfil the other, in a manner worthy of her character and standing.

In regard, however, to both these great objects, there are duties belonging to the government of the Union, and there are powers, commensurate with those duties, as unquestionable in their constitutional existence as they are beneficial in their operation and indispensable to give due effect to the policy of the individual states. They concern the general welfare, and correspond with the natural exigency. They are the concentrated energy of all, applied under the guidance of all, to the common objects which transcend the powers, or the ability, of the particular states, yet are necessary, for the general government. To open, or to aid in open-

ing, those great lines of interior communication, which promise extensive national benefits, in peace and in war; to protect American manufactures and give encouragement to domestic industry, by adequate duties upon articles of foreign competition; are within those powers of congress which have been invariably acceded and whose value become more obvious as the bounds of our confederation are extended by the admission of new states. One of those great interior communications, in which the United States and this State are deeply interested, is now so happily advancing, that, early next summer, a sloop navigation will be in full operation, connecting the waters of the Chesapeake and Delaware. This great improvement has thus far advanced, and it is expected will be brought to perfection, by the funds furnished by the United States government, and by the governments of the states of Pennsylvania, Delaware and Maryland, and by individuals.

It is upon the exercise, by Congress, of these powers, at proper times, that Pennsylvania must rely to carry into full effect her essential policy, and to crown the liberal efforts she has made within her borders, to encourage domestic manufactures and promote domestic trade and intercourse. Our home industry, indeed, must depend entirely upon Congress for support against foreign legislation and foreign disturbance, since the powers which have been granted to the General Government, and are alone adequate to the object have, by the great charter of our Union, been expressly denied by the Governments of the States.

Intimately associated with the view just presented, is another object of exclusive national cognizance, anxiously desired by the eastern portion of this Commonwealth, and, it must be acknowledged, very important in its bearing upon the interest of Pennsylvania as well as most of her sister States. The construction of a Breakwater, or artificial harbour at the

mouth of the Delaware bay, would afford increased security to the trade of the bay and river; would aid the coasting trade of the United States; would benefit our chief commercial city, and, by improving the outlet, towards which, on the Atlantic side, all our improvements tend, would render them more valuable and productive by the inducements it would offer to our brethren in the West, to pass their produce and returns within the limits of the State. Having done so much for herself, it seems not unreasonable to hope, that Congress will second her exertions by doing, within the appropriate sphere of the power of the Union, what is required to give to them due effect.

The act passed by the General Assembly, April 8th, 1826, for the restoration of the Circuit Court and to alter the Judiciary System of the Commonwealth, appears to give general satisfaction in the several counties of the State. The system, however, is still believed, by the people and the Judges, to be susceptible of much improvement. It is probable that no subject, which claims the attention of the Legislature, could more beneficially engage it, than the manner in which the laws generally are administered throughout the Commonwealth. The laws in relation to intestates would assuredly be improved, if they were carefully revised. The organization and laws respecting the Orphans' courts, have so forcibly impressed my mind as to the necessity of amendment, that I have in two former messages, to which I beg leave to refer, called legislative attention to the subject.

The Commissioners appointed to revise the Penal Code of the Commonwealth, will, it is expected, make their report, so as to be laid before you early in the session, and thereby enable you to legislate on this important branch of our jurisprudence.

By the laws regulating hawkers and pedlers, the Courts of Quarter Sessions are authorised to recom-

mend to the State Executive for License those citizens, who from age, loss of limb, or other bodily infirmity, are prevented from acquiring a livelihood by labor. To obtain this License from the Seat of Government. is attended with delay, trouble and expense. It is suggested, therefore, whether the object of the law would not be as effectually complied with, by authorising the Courts to grant such License, the fees to be received and accounted for by the County Treasurer. Licenses are now granted by law, in this manner, to tin pedlers, without any disadvantage to the interest of the Commonwealth.

A settlement has been made of the account arising out of the late war, between the Government of the United States and the State of Pennsylvania, by which a balance is found in favor of the State in arms exceeding in value two hundred thousand dollars. This settlement has been ratified by the General Government, and will be laid before you.

A report of the trial of the case of the Commonwealth vs. the Harrisburg Canal, Fire Insurance and Water Company, before the Supreme Court at Sunbury, on an issue directed by the Court, pursuant to an act of Assembly, will be laid before the Legislature. There are fees due to the witnesses, Sheriff and Prothonotary, for services rendered in this action, for the payment of which no appropriation has been made by law. As the Harrisburg company has dissolved, I recommended that provision be made to defray the expenses incurred in prosecuting the suit to a termination.

The last loan, authorised by act of Assembly, was taken by the Bank of Pennsylvania, on better terms for the Commonwealth, than any former loan it has made. On this subject, and all others, connected with the financial concerns of the State, the reports of the State Treasurer and Auditor General, will, it is be-

lieved, present clear and satisfactory statements and views.

The agreeably duty enjoined on the Governor of communicating to Governor Carrol, of Tennessee, the high and sincere regard entertained by the representatives of his native State for his distinguished military services during the late war, was faithfully discharged. A copy of the resolution of the General Assembly, and a letter from the Governor of Pennsylvania, were transmitted to Governor Carrol, whose answer has been received. These papers shall be transmitted to the Legislature. The sword, directed to be presented to Capt. David Conner, of the navy, for his skill and gallantry in the late war, was presented to that distinguished officer by the Adjutant General of the State, on the last anniversary of the Declaration of Independence, in front of the Hall in which it was adopted.

The great number of Reports from public officers, Boards of Commissioners, and Incorporated Companies, which are annually laid on the table of the Representatives of the People, give them much valuable and minute information, as to the condition and the wants of the Commonwealth.

Among the injunctions of the Constitution, there is none more interesting, than that which enjoins it as a duty on the Legislature to provide for the education of the poor throughout the Commonwealth. Whether we regard it in its probable influence upon the stability of our free republican Governments, or as it may contribute to social and individual happiness, it equally deserves the earnest and unremitted attention of those who are honoured with the high trust of providing for the public welfare. If the culture of the understanding and the heart be entirely neglected, in early life, there is great reason to fear that evil propensities will take root, where, with proper discipline, there might have been a rich harvest of usefulness and worth. A

knowledge of our rights and a sense of our duties, a just estimate of the value of the blessings we enjoy and an habitual desire to preserve them, are the wholesome fruits of that good seed, which it is the object, and with the favor of Providence, the effect, of moral and intellectual instruction to implant. It cannot be supplied to all in equal measure, but it is hoped, the time will come when none shall be left entirely destitute. Then will the Legislature truly be, in this respect, what the framers of the Constitution desired it should be, a parent to the children of the poor: and they, in return, will have strong inducements to love and to honor, and, to do their utmost to perpetuate the free institutions from which they derive so signal a benefit, so prolific a source of happiness.

Until the difficulties in the way of a general plan of education, which have hitherto been found insuperable for all, be overcome, it will be in the power, as it has always been in accordance with the disposition of the Legislature, to afford a liberal aid to the exertions of public spirited and benevolent citizens, as well as to promote such local schemes of instruction as may be suited to particular parts of the state, though not applicable to all. What has been done in this way, has, it is believed been productive of much good, and has caused the paternal care of the Legislature to be gratefully felt and affectionately acknowledged.

In conducting the great experiment of free government, founded on written constitutions, and carried into effect by representatives of the people, it is no less the duty, than it is the interest, of the citizens of the Republic, to exercise towards each other, and towards their public functionaries, a spirit of kindness and conciliation, of mutual respect and forbearance. Differences of opinion will arise, where there is freedom of choice and discussion; and they will occasionally be accompanied with earnestness and warmth. But we owe

it to ourselves, and we owe it to the lofty position we occupy in the world, to avoid every thing which may shake the confidence of mankind in the competency of man for self government, or wastefully diminish the stock of our national reputation, by detracting from the distinguished individual reputations of which it is composed. The success of the cause of free government, which we all anxiously desire to promote, is of infinitely more importance than the occasional questions which excite and divide us. These considerations should be of sufficient weight to suppress violent feelings, which, if indulged, might endanger all that is most conducive to our character as a people, and our happiness as individuals.

It shall be my study as it is my duty and inclination, cordially to co-operate with the General Assembly in carrying into full effect whatever measures they may devise to insure the freedom, and contribute to the happiness, of those who have selected us to watch over their welfare and guard their rights.

J. ANDREW SHULZE.

Harrisburg, December 5, 1827.

To William Carroll, Governor of Tennessee, Transmitting a Resolution of the Legislature of Pennsylvania.

EXECUTIVE DEPARTMENT,

Harrisburg, May 15, 1827.

William Carroll, Esquire,

Governor of Tennessee.

Sir—

I HAVE THE HONOR TO HEREWITH TRANSMIT to you an official copy of a resolution, passed at the late session of the legislature of Pennsylvania, and to communicate to you, on behalf of the state, the

very great regard entertained by its representatives for your patriotic devotion and distinguished military services in the cause of your country, during the late war.

As Pennsylvanians, we feel a pride that one of her native sons, so early in life, and in a distant state, should have had assigned to him the important commands entrusted to your charge, and executed by you with a zeal, courage and ability, alike honorable to yourself and the national character. It is also a source of high gratification, that the state of Tennessee, properly sensible of your worth, talents and devotion to her interests, elevated you, at a subsequent period, to the first office of the state.

It affords me sincere pleasure to be the organ to convey these feelings and sentiments to you; and permit me to add my wish, that your merits and services may continue to be duly appreciated and rewarded, and to assure you of my individual respect and consideration.

I have the honor to be,

Very respectfully,

Your obedient servant.

J. ANDW. SHULZE.

Nashville, June 15, 1827.

Sir—I have to acknowledge the receipt of your communication of May 15th, enclosing an official copy of a resolution, relating to myself, passed at the last session of the legislature of Pennsylvania.

To say that that communication and the document it contained, are extremely grateful to my feelings, would be but a faint and inadequate expression of the emotions they have excited in my bosom. That my humble, though hearty and zealous exertions in the stations to which I was called, during the last war have been thus long recollected in my native state, and are thus highly appreciated by its distinguished citizens, its statesmen and legislators, are circumstances well calculated, not only to inspire me with gratitude for the partiality and kindness with which the sentiments communi-

cated by you have been expressed, but to create within my breast, an enthusiastic glow of pride and joy, which it would ill become me to attempt to disguise. The approbation and esteem of his fellow-citizens, especially of those distinguished for wisdom and virtue, must ever be the most grateful and satisfactory reward of the faithful public servant. How peculiarly gratifying, then, must it be to me, thus remotely situated from the place of my nativity, to have my attention drawn, after so many years absence, to the scenes of my earliest and most delightful recollections and associations, by assurance of regard for my exertions and public services, and even by a deliberate expression of approbation, from the grave, enlightened, and patriotic legislature of such a state as Pennsylvania—a state so conspicuous for patriotism and intelligence and universally regarded as one of the most important and valuable links in the great chain of our national union.

To have been deemed worthy of the high honor conferred upon me by the resolutions communicated by you, will constitute one of the proudest recollections and most grateful events of my life: and, in connection with the unequivocal assurances of friendship and personal attachment, by which I have been so highly favored in this, the state of my adoption, will be a support to me through all the perplexities and responsibilities of life, and a source of consolation amidst the difficulties and embarrassments, from which it is not the lot of man to be exempt.

Permit me, sir, in conclusion, to assure you of my personal respect for the members of the legislature of Pennsylvania. With most of them I have the pleasure of an acquaintance, and all of them I know by reputation and character. Permit me also to add, that I feel peculiar satisfaction in receiving the testimonial of regard from my native state, through a medium so distinguished, and that I most cordially reciprocate the kind wishes and friendly sentiments contained in your communication.

I have the honor to be,

Very respectfully,

Your obedient servant,

WM. CARROLL.

His Excellency, John A. Schulze, Harrisburg.

To Captain David Conner of the United States Navy
Transmitting a Resolution of the Legislature of
Pennsylvania in Recognition of his Public Ser-
vices.

Harrisburg, Pennsylvania, April 11th, 1826.

Captain David Conner,
United States Navy.

Sir:—

IT AFFORDS ME GREAT PLEASURE TO CON-
vey to you a copy of a preamble and resolution,
unanimously adopted by the legislature of Penn-
sylvania, and to have the opportunity of communicat-
ing to you the high sense the government of Pennsyl-
vania entertains for your good conduct and intrepidity,
displayed as an officer of the United States navy, in
two, among the most brilliant naval engagements of
the late war.

Arrangements have been made to have the sword
directed to be presented you, prepared for that purpose,
as early as practicable.

I have the honor to be,

Very respectfully,

Your obedient servant.

J. ANDW. SHULZE.

Sir—I have had the honor to receive your letter of the 11th
inst., accompanied with a “copy of a preamble and resolution
unanimously adopted by the legislature of Pennsylvania.”
This flattering testimony of the approbation of my native
state, so obligingly communicated by your excellency, has pen-
etrated me with the deepest gratitude.

In return, I can only pledge myself to use the sword which
has been so liberally voted to me, in such a cause, and on
such occasions, as must receive the sanction of the patriotic
authorities from which it emanated.

Be pleased to accept the assurance of the very high regard
of your excellency’s most obedient servant.

D. CONNER.

His Excellency J. Andrew Shulze, Governor of the state of
Pennsylvania.

Philadelphia, April 15th, 1826.

Secretary's Office,

Harrisburg, June 15, 1827.

George B. Porter, Esq., Adjutant General of Pennsylvania:

Sir—By a resolution of the legislature of Pennsylvania, of the twenty-fifth of February, 1826, an official copy of which is herewith transmitted, the governor was requested to procure and present, in the name of the commonwealth, to Capt. David Conner, of the United States' navy, for his good conduct and intrepidity, displayed in two of the naval engagements with the enemy, during the late war, an appropriate sword; not to exceed in price the sum of four hundred dollars; and the governor having received information, that the sword is now prepared and ready for delivery, has instructed me to inform you, that it is his wish that you will repair to the city of Philadelphia, and on his behalf and in the name of the commonwealth, present the said sword to Capt. Conner, agreeably to the said resolution of the legislature .

I am, with much respect,

Your obedient servant,

I. D. BARNARD.

Adjutant General's Office,

Lancaster, November 9, 1827.

His Excellency, J. Andw. Shulze, Governor of Pennsylvania.

Sir—It becomes my duty to report to you that agreeably to your wish, as expressed in the letter of the secretary of state of the 15th of June last, I repaired to the city of Philadelphia, and on the 4th day of July presented, on your behalf, and in the name of the commonwealth of Pennsylvania, to captain David Conner, of the United States' navy, the sword which had been prepared by Messrs. Fletcher and Gardner, under your directions, agreeably to a resolution of the legislature, passed on the twenty-fifth day of February, 1826. The ceremony of presentation was performed in front of the state house, in the persence of Commodore Bainbridge, Captain Elliott, and other naval officers attached to the station, and then in the city, General Patterson's brigade of volunteers, the Cincinnati society, the Judges of the several courts, the mayor, recorder, aldermen, and select and common councils of the city of Philadelphia, and a large assemblage of citizens. A copy of my

address to Captain Conner, and his reply, are hereto annexed.

Hoping that what has been done will meet your approbation.

I have the honor to be,

With sentiments

Of much respect and esteem,

Your obedient servant,

G. B. PORTER,

Adj. General Pa.

Address.

Captain Conner—On this, the anniversary of the most memorable day in the history of nations—and at that hall in which the independence of these United States was first proclaimed to an astonished world, I have the gratification of performing the most pleasing task which could devolve upon me;—to communicate to you the high sense which the government of this commonwealth entertains for your good conduct and intrepidity, displayed in two of the most brilliant exploits of our naval forces during the late war, and to present to you, in the name of the governor of the commonwealth of Pennsylvania, an appropriate sword, which has been procured agreeably to a resolution unanimously adopted by the legislature.

In referring to the account of the capture of his Brittanic majesty's ship Peacock, by the United States' sloop of war, Hornet, in which you were acting lieutenant, your conduct is eminently conspicuous, for undaunted courage and great bravery while the battle raged; for consummate skill and matchless intrepidity in executing the order for the removal of the prisoners; and for that noble philanthropy and humanity exhibited in your unexampled exertions to save, at the imminent risk of your own life, the lives of those whom you had so gallantly defeated. Truly did your commanding officer, the immortal Lawrence, in his official report to the secretary of the navy, say, "he would be doing injustice to your merits, were he not to recommend you particularly to his notice."

Nor, sir, is there less to applaud in your patriotic and meritorious conduct, when, while first lieutenant, in the same vessel, she captured the Penguin. Not even a desperate wound, nor the expectation that impending fate seemed to have decreed that in a few moments more your gallant spirit should wing its flight to eternity, could daunt your courage, while victory was yet uncertain. No, sir, although exhausted

by loss of blood, so copiously shed for the honor of your country, you maintained your post with heroic ardour, and lived to witness a glorious victory, in which you acted so noble a part, that well might the brave captain Biddle say, as he did, "you were an officer of much promise, and that your conduct was in the highest degree creditable to yourself, and called for his warmest recommendation." This, sir, is not flattery. It is honor to the brave, for conduct which has aided in establishing for our country a character the most exalted, and which has covered you and the other officers of our navy with imperishable glory.

Pennsylvania has always vied with her sister states; has taken a just pride in conferring honors on her native citizens. And I can truly say, no one more heartily applauds this patriotic zeal, than our present executive, Governor Shulze. It is a source of pleasure and satisfaction to him, that during his administration he has the opportunity of procuring and presenting this sword, to one so justly entitled to it; whose achievements have aided so much in convincing the world that, man to man, and ship to ship, the star spangled banner is invincible; that however contemptible the "striped bunting" had been in the eyes of the British navy, their proud banners were and ever will be humbled by the unconquerable bravery and superior skill of American spirits.

In this sentiment permit me to tell you, I most cordially concur. And although I regret, exceedingly, that this "tribute of respect"—this honor justly due, has been so long withheld; which can only be accounted for by your extreme modesty, and that of your friends, in not presenting your claims and services to the notice of the government of your native state; yet I trust you will not consider it the less acceptable, when you are assured that the resolution which I present you was unanimously adopted, as soon as it was offered, and that every citizen of Pennsylvania believes, that should the government of the United States, at any time hereafter, become engaged in war upon the ocean, nothing but an opportunity will be wanting to convince them that you continue worthy of their partiality and kind feeling; that you will do honor to the state which gave you birth; that you are deserving of that high recommendation, which in your youth you obtained, that you are capable of taking the place of Decatur, Perry, Lawrence, and those other naval worthies, who, though called from this to, we trust, a better world, have left their names and characters as imperishable as the world itself; that you are des-

tined to be one of the most honored and illustrious among the bravest of the brave.

Captain Conner's Reply.

It is with emotions of the deepest sensibility that I receive this most gratifying evidence of the approbation with which the government of my native state has viewed my public services. A splendid testimonial of this character, emanating from a state, distinguished for her enlightened patriotism, constitutes the highest reward to which an officer can aspire. The sons of Pennsylvania, engaged in the national service, may well be proud of their birth-right, since she loses no opportunity of rewarding the humblest of them, who have acquitted themselves in a satisfactory manner, while engaged with the enemies of our country.

For the kind and flattering manner in which you have been pleased to notice my humble services, I offer to you my most respectful thanks. I also beg leave to offer, through you, to the members of the legislature, and to the distinguished patriot who now occupies the executive chair of the state, and whom you now represent, my most heartfelt thanks for the honor which has been this day conferred upon me. The splendor of the reward which you have so handsomely bestowed, has far exceeded my deserts; and though I cannot hope to fulfil the high expectations which you have been pleased to express: yet it shall be my constant duty to exercise all the talents and zeal I may possess, when an opportunity shall again offer to defend the rights of our beloved country.

Proclamation of Reward for the Apprehension of
Eliza Marsh, charged with the Murder of her Child.

Pennsylvania ss.

[Signed] J. Andw. Shulze.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By J. ANDREW SHULZE, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas, I have received information that the Infant Male Child of Eliza Marsh, late of the County of Lancaster, was, on the twenty-ninth day of September last, barbarously and feloniously murdered by the said Eliza Marsh, and that the said Eliza Marsh has fled from justice, and all efforts to arrest the said offender have hitherto proved ineffectual: And Whereas, the reputation of the government, the peace and security of its citizens, and the obligations of justice and humanity require, that the perpetrator of an offence so heinous should be brought to speedy and condign punishment, I have therefore thought it proper to issue this proclamation; hereby offering a reward of fifty dollars to any person or persons who shall apprehend the said Eliza Marsh within this Commonwealth and secure her within any jail of the same; and the sum of one hundred dollars if she shall be apprehended and secured without the limits of the State, which sum or sums are to be paid on the conviction of the offender of the crime aforesaid. And all Judges, Justices, Sheriffs, Coroners, Constables, and other officers within this Commonwealth, are hereby required and enjoined to be attentive and vigilant in inquiring after and bringing to justice the alledged perpetrator of the crime aforesaid.

Given under my hand and the Great Seal of the State, at Harrisburg, this eighth day of January, in the year of our Lord one thousand eight hundred and twenty-eight, and of the Commonwealth the fifty-second.

By the Governor.

I. D. Barnard,
Sec'y of the Com'th.

To the Assembly with Report of Commissioners for the Erection of a Penitentiary near Pittsburg, announcing the Completion of the Structure.

Gentlemen,

I HAVE THE HONOR OF TRANSMITTING TO the legislature a copy of the final report of the board of the commissioners for the erection of a state penitentiary on the public land adjoining the town of Allegheny, opposite to the city of Pittsburg.

J. ADW. SHULZE.

Harrisburg, Jan. 10, 1828.

To his Excellency J. Adw. Shulze, Governor of the Commonwealth of Pennsylvania:

The commissioners for the erection of a state penitentiary near Pittsburg, respectfully report, that they have at length the pleasure of announcing the termination of their labors and the completion of the building.

The penitentiary has been delivered over to the board of inspectors, and the books, accounts and vouchers have been submitted to the examination of the board of commissioners appointed by your excellency for that purpose. To their report, this board begs leave to refer, for information as to the manner in which this important duty has been performed.

The cost of this splendid edifice exclusive of the sum required for its furnishing, is one hundred and seventy-eight thousand two hundred and six dollars eighty-five and one-half cents, which leaves in the treasury, seven hundred and

fourteen dollars fourteen and one-half cents, the unexpended balance of the different appropriations for its erection.

In addition to the sum above mentioned as expended in the erection of the building, four thousand eight hundred and eighty-five dollars and two cents, have been consumed in making fences, procuring locks, stoves, grates, furniture, &c., according to the provisions of the act of the first April, 1826, entitled "An act further supplementary to the act, entitled 'An act to provide for the erection of a state penitentiary on the public land adjoining the town of Allegheny, opposite Pittsburg, in the county of Allegheny, and for other purposes,'" which makes the total cost of this building and its equipments, one hundred and eighty-three thousand and ninety-one dollars eighty-seven and one-half cents.

The commissioners appointed to examine the accounts of this board, having in pursuance of the powers vested in them, made an award in favor of Thomas Fairman, John Hannen, James Anderson and Richard Gray, of one thousand four hundred and two dollars and ninety-two cents. It became the duty of the board, in obedience to the provisions of an act relative to the eastern and western penitentiaries, passed April 9th, 1827, to pay to the said Thomas Fairman, John Hannen, James Anderson and Richard Gray, the above mentioned balance, of seven hundred and fourteen dollars fourteen and one-half cents, together with the sum of one hundred and fourteen dollars and ninety-eight cents, remaining unexpended of the appropriation of five thousand dollars, made the first day of April, 1826. But the board having as they confidently believed, faithfully discharged the public trust reposed in them and having by the completion of the penitentiary and its appurtenances no further claims upon their attention, dissolved on the twenty-second day of November last, before any intimation of the award was received.—Their books and accounts were closed and they conceived these balances to be in the state treasury and not subject to their order.

Previously to closing this final communication, it is proper to inform your excellency that the board on the occasion of its dissolution, passed over to the inspectors for the use of the commonwealth, all the remaining materials and tools, with the request that they would dispose of them and place the proceeds to the credit of the state. They have also respectfully solicited the inspectors to inquire into the manner and cause of the escape of Hiram Lindsay and other convicts. Their report has not yet been made. but it is firmly believed,

that notwithstanding these escapes, the penitentiary will be found to be fully adequate to the secure confinement of prisoners and that the escapes were neither attributable to a want of strength in the prison nor vigilance in the keepers, but to the unfortunate necessity of receiving convicts before the workmen were completely excluded from the yard, and thereby placing within the reach of those prisoners who had effected their liberation from their cells, boards and scantling, serving the purposes of ladders, whereby they obtained an easy passage over the outward wall, which under other circumstances would have been impracticable.

With high respect,

I have the honor to be,

Your most obt. servant,

WM. WILKINS,

President of the Board of Commissioners.

Test:

Mags. M. Murray, Clerk.

Pittsburg, Jan. 2, 1828.

To the Assembly with Action of the Ohio Legislature on Resolutions of South Carolina Legislature respecting the Constitutional Powers of the General Government.

Gentlemen:

I HAVE THE HONOR OF TRANSMITTING TO you a copy of a letter of the Governor of the state of Ohio, together with a copy of several resolutions respecting the resolutions of the state of South Carolina, relative to the constitutional powers of the general government.

J. ANDREW SHULZE.

Harrisburg, February 26, 1828.

Executive Office,

Columbus, Ohio, 12th Feb., 1828.

Sir—I herewith transmit a copy of the preamble and resolutions of the general assembly of Ohio, in reply to the resolutions

from the legislature of South Carolina, respecting the constitutional powers of the general government.

I have the honor to be,

With great respect,

Your most obedient,

ALLEN TRIMBLE,

President.

S. C. ANDREWS,

Private Secretary.

His Excellency the Governor of Pennsylvania.

Report of the select committee on the resolution from the legislature of the state of South Carolina.

The select committee, to whom were referred the resolutions of the legislature of the state of South Carolina respecting the constitutional powers of the general government of the United States, have had the same under consideration, and recommend the adoption of the following preamble and resolutions:

Whereas, there have been communicated by the governor, copies of certain resolutions of the legislature of the state of South Carolina, transmitted by the executive of that state to be laid before the general assembly of this state for their consideration, and it being proper that this general assembly should respectfully express their opinion upon the matters therein contained, therefore,

Resolved, by the general assembly of the state of Ohio, That to the general propositions contained in the first resolution, abstracted from indefinite questions of constitutional right or power, this general assembly perceive no grounds of exception.

Resolved, That this general assembly do not concur in the opinion of the legislature of South Carolina, as expressed in the second, third and fourth resolutions; and to the doctrines therein contained, this general assembly express their most solemn dissent.

Resolved, That the governor of this state be requested to transmit copies of the foregoing preamble and resolutions to the governor of South Carolina and to the governors of the several states, with a request that the same be laid before the legislatures of their respective states; and, also, to our senators and representatives in congress, to be by them laid before congress for their consideration.

To the Assembly with a Memorial of the Central Committee of the Chesapeake and Ohio Canal Convention.

Gentlemen,

A GREEABLY TO THE REQUEST CONTAINED in the accompanying copy of a letter from the chairman of the central committee of the Chesapeake and Ohio canal convention, I have the honor to lay before the legislature a copy of a memorial of the central committee, together with sundry printed documents. As only one set of the printed documents has been received, I have directed them to be sent to the house of representatives, for the use of both houses.

J. ANDW. SHULZE.

Harrisburg, March 25, 1828.

Washington, March 18, 1828.

Sir—I have the honor, herewith, to transmit to your excellency a memorial for the general assembly of the commonwealth of Pennsylvania, accompanied by certain documents, all which I am instructed by the central committee of the Chesapeake and Ohio canal convention, to request the favor of your excellency to lay before that honorable body.

With the highest respect,

I have the honor to be,

Sir, your most obt. servant,

C. F. MERCER,

Chairman C. C. of the Chesapeake and O. canal convention.

His excellency, John Andrew Shulze, Governor of Pennsylvania.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania, in general assembly convened.

The memorial of the central committee of the Chesapeake and Ohio canal convention, most respectfully represents:

That the discovery of a defect of the charter of the Chesapeake and Ohio Canal Company, corrected by recent acts of the Legislatures of the states of Maryland and Virginia, would occasion an application to your honorable body for your concurrence therein, did not other considerations urgently impress that duty on your memorialists at the present moment.

In consequence of the subscription of two millions six hundred thousand dollars to the stock of the Chesapeake and Ohio Canal, by which the subscribers have become an incorporation, the commissioners deputed by the United States, and by the states of Maryland and Virginia, to open books for the subscription of stock, to the canal, have called a public meeting of the stockholders to organize the company, and enable it to commence its long-delayed work. This meeting is advertised for the seventh day of the ensuing month, when, or as soon after as practicable, a provision will probably be made for the opening abroad, as well as in the great cities of the United States, books for such additional subscriptions of stock, as may enable the company at once to enter upon their undertaking throughout its whole extent, from Georgetown, on the Potomac, to Pittsburg.

The committee have every reason to believe, that, with such credit as the company may derive from the high character of the subscribers to its stock, and especially the subscription now confidently anticipated from the United States, a sufficient sum may be obtained for the above purpose.—The probable cost of the canal having been reduced by the recent estimate of two skillful civil engineers, to the limits anticipated by the convention at their last session.

Your memorialists, therefore, again appeal to the enlightened zeal of your honorable body, in the great cause of internal improvement, to remove those legal impediments to the progress of the Chesapeake and Ohio canal, which accompanied the conditional assent of your honorable predecessors, to the charter granted by the congress of the United States, in conjunction with the Legislatures of Virginia and Maryland.

The stock of the Chesapeake and Ohio canal is the stock of one incorporated company, and is not susceptible of a subdivision and separate appropriation of its parts. With the perception of this principle, the legislature of Maryland have removed from the subscription of half a million of dollars, authorised by a prior act, that limitation which restricted its application to the eastern section of the Chesapeake and Ohio canal.

Your honorable body will, it is confidently believed, discern, in the obvious interests of the Chesapeake and Ohio canal company, a sufficient motive to finish, in the shortest practicable time, their entire work.

A contract has been already offered to the stockholders,

through your memorialists, to complete the proposed tunnel of four miles, with a breadth enlarged beyond its original plan, so as to admit within it the passage of canal boats, by each other, for less than one million and a half of dollars, and beyond this hitherto astonishing labor, no difficulty is presented in the construction of the Chesapeake and Ohio canal, which has not its parallel in those great enterprizes now in successful and rapid prosecution within the territory of Pennsylvania.

Referring to their last memorial to the general assembly of Pennsylvania, and its accompanying documents, for a further description of the impediments to which they most respectfully invite your attention, they pray that the said memorial may be taken as part of that which they have now the honor to present, along with other documents, calculated to explain, and, as they trust, to recommend, to the views of your memorialists to your favorable regard. And, as in duty bound, your memorialists will ever pray.

Signed by order. C. F. MERCER,
Ch'm of the C. C. of the Chesapeake and O. canal convention.
Washington, March 18, 1828.

To the Assembly Transmitting the Report of the Adjutant General.

Gentlemen:

I HAVE THE HONOR TO LAY BEFORE THE LEGISLATURE, a copy of a letter from the adjutant general of the commonwealth of Pennsylvania, together with a return of the militia, and also the return of ordinance, camp equipage and military stores, the property of the commonwealth, deposited in the state arsenals, and in the several brigades.

J. ANDREW SHULZE.

Harrisburgh, April 10, 1828.

Harrisburg, April 5, 1828.

His Excellency, J. Andrew Shulze, Governor of Pennsylvania:

Sir—Agreeably to the provisions of the act of assembly for the regulation of the militia of this commonwealth, I have

the honor to present to you, to be submitted to the legislature, the enclosed detailed report of the militia, particularly designating the number of militia in each brigade and regiment, and the number and kind of volunteer corps attached to the same respectively, and also a return of the ordnance, camp equipage and military stores, in the state arsenals with the state and condition thereof.

Although it is the duty of the several Brigade Inspectors to make an annual return to this office, and the time heretofore allowed them in the instructions given, was not later than the month of October, yet you will perceive by this report, that even at this late period, no returns have been made of several brigades. The completion of this report has been thus long delayed under the expectation that by so doing, all the returns would be sent in and that a more perfect statement than heretofore, could be made out. In this, however, I have been mistaken.—Having every year experienced more or less inconvenience from this neglect of duty, I have taken care to prevent a recurrence of it in future, by having put in the militia bill now before the legislature a provision which it is believed will answer the purpose.

During the last year contracts have been made for the repair of all the muskets, considered worth repairing in the arsenals at Philadelphia and Harrisburg, and but a few of them remain to be done.—About 2,000 new muskets have been issued to volunteer companies, and there is a sufficient number now on hand to supply all demands. A difficulty has heretofore occurred in obtaining such rifles from the United States as ought to be received; but it is believed that they can now be had and the necessary measures will be taken to procure them. It has not been in the power of the ordnance department of the United States to supply cannon for the several artillery companies, which are entitled to them.—It has even been found necessary to recall the eight six pounder cannon which have been received from the United States since July, 1824, as will appear by the letter of Major Churchill, a copy of which is hereunto annexed:

Early in the present season, I expect to effect the exchange of the public property, as specified in the settlement, lately made by the auditor general and myself, with the United States; and also to receive from the general government, and have placed in the state arsenals the quota of arms to which the state is now entitled—Previously to attending to this I will ask your excellency to designate the kind of arms which

may be deemed necessary and proper for the military service of the commonwealth to be received.

I am not aware of anything material; which it is necessary to add, but have the honor to be

Very respectfully, your friend
and obedient servant,

G. B. PORTER,
Adj't. Gen'l. Penna.

(Copy.)

U. S. Arsenal, near Pittsburg,
November 24th, 1827.

Sir—Annexed, I transmit for your information, an extract from a letter just received by me from Col. George Bomford, dated "ordnance department, Washington, November 13th, 1827."

I have the honor to be, sir, with great respect,
Your obedient servant,

SY. CHURCHILL,
Bt. Maj. Art. Comp.

To G. B. Porter, Adj't. Gen. Penn. Militia, Lancaster, Pa.

Extract.

"The long 6 pr. cannons which have been made latterly, are found not to answer—although they are capable of withstanding the most severe proofs, when first tried, experience has proved that they will not stand long, with continued firing of ordinary service charges; especially, if the powder used be of recent manufacture, and of that superior strength which most of the powder now made possesses.

Several 6 prs. of this pattern have been in service at fortress Monroe, and two of them burst, with a common service charge. Others have been put under a course of trials to ascertain their duration in service. And so far as the trial has proceeded, it appears that they fail between the 100th and 250th discharge. It has, therefore, been determined to abandon that pattern, and to substitute other guns for those which have been issued, either to the army, or to the militia: and I wish you to give notice of this intention to all those who have received the long 6 prs. from the Pittsburg arsenal; and in order to guard against the accidents which might happen from bursting them in the meantime, you will please, at the same time, to inform them that the service charge should, in no case, exceed one fifth the weight of the bullet; or say, 1 lb.

3 oz. The charge of one fifth, with such powder as is now generally used, is considered fully equal to the charge of one fourth as used during the late war, with such powder as was then used."

Proclamation of the Election of Representatives of
Pennsylvania in the United States Congress.

Pennsylvania ss.

[Signed] J. Andw. Shulze.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By J. ANDREW SHULZE, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas, in and by an act of the General Assembly of this Commonwealth, entitled "An Act to provide for the election of Representatives of the people of this State in the Congress of the United States," passed April the second, one thousand eight hundred and twenty-two, it is made the duty of the Governor on the receipt of the returns of the election held in the several Congressional districts of this Commonwealth to declare by proclamation the name or names of the person or persons to him returned as duly elected in each respective district. And Whereas, the returns of the general election held on Tuesday, the fourteenth day of October last, in and for the several Congressional districts, for Members to serve in the House of Representatives of the Congress of the United States, for the term of two years from and after the fourth day of March next,

have been received in the office of the Secretary of the Commonwealth, agreeably to the provisions of the above recited Act, whereby it appears, That, In the first district, composed of the District of Southwark, the townships of Moyamensing, Passyunk, Blockley and Kingsessing in the the County of Philadelphia, and Cedar, Newmarket and Pine Wards in the City of Philadelphia, Joel B. Sutherland has been duly elected; In the second district, composed of the remaining wards of the City of Philadelphia, Joseph Hemphill has been duly elected; In the third district, composed of the remaining part of the County of Philadelphia, Daniel H. Miller has been duly elected; In the fourth district, composed of the counties of Delaware, Chester and Lancaster, James Buchanan, Joshua Evans and George G. Leiper have been duly elected; In the fifth district, composed of the county of Montgomery, John B. Sterigere has been duly elected; In the sixth district, composed of the counties of Dauphin and Lebanon, Innis Green has been duly elected; In the seventh district, composed of the counties of Berks, Schuylkill and Lehigh, Henry A. Muhlenberg and Joseph Frey, Junior, have been duly elected; In the eighth district, composed of the counties of Bucks, Northampton, Pike, and Wayne, Samuel D. Ingham and George Wolf have been duly elected; In the ninth district, composed of the counties of Union, Northumberland, Columbia, Luzerne, Susquehanna, Bradford, Lycoming, Tioga, Potter and McKean, Philander Stephens, James Ford and Alem Marr have been duly elected; In the tenth district, composed of the county of York, Adam King has been duly elected; In the eleventh district, composed of the counties of Adams, Franklin, Cumberland and Perry, William Ramsey and J. Hartly Crawford have been duly elected; In the twelfth district, composed of the counties of Huntingdon, Mifflin, Centre and Clearfield, John Scott has been

duly elected; In the thirteenth district, composed of the counties of Bedford, Somerset and Cambria, Chauncey Forward has been duly elected; In the fourteenth district, composed of the counties of Fayette and Greene, Thomas Irwin has been duly elected; In the fifteenth district, composed of the county of Washington, William McCreery has been duly elected; In the sixteenth district, composed of the counties of Allegheny, Beaver, Butler and Armstrong, John Gilmore and William Wilkins have been duly elected; In the seventeenth district, composed of the counties of Westmoreland, Indiana and Jefferson, Richard Coulter has been duly elected; In the eighteenth district, composed of the counties of Erie, Crawford, Mercer, Warren and Venango, Thomas H. Sill has been duly elected: Now therefore, I have issued this proclamation, hereby publishing and declaring that Joseph B. Sutherland, Joseph Hemphill, Daniel H. Miller, James Buchanan, Joshua Evans, George G. Leiper, John B. Sterigere, Innis Green, Henry A. Muhlenberg, Joseph Frey, Jun'r., Samuel D. Ingham, George Wolf, Philander Stephens, James Ford, Alem Marr, Adam King, William Ramsey, J. Hartly Crawford, John Scott, Chauncey Forward, Thomas Irwin, William McCreery, John Gilmore, William Wilkins, Richard Coulter and Thomas H. Sill have been returned as duly elected in their several Congressional districts before mentioned as Representatives of the people of this State in the House of Representatives in the Congress of the United States for the term of two years to commence from and after the fourth day of March next.

Given under my hand and the Great Seal of the State, at Harrisburg, this fifteenth day of November in the year of our Lord one thousand eight hundred and twenty-eight, and of the Commonwealth the fifty-third.

By the Governor.

C. Blythe, Sec'y of the Com'th.

Proclamation of the Election of Electors of President
and Vice President of the United States in 1828.

Pennsylvania ss.

[Signed] J. Andw. Shulze.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By J. ANDREW SHULZE, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas, it is provided in and by an Act of the General Assembly of this Commonwealth, entitled "An act to direct the manner, time and places of holding elections for Electors of a President and Vice President of the United States," passed the second day of February in the year one thousand eight hundred and two; and the supplement thereto, passed the twenty-ninth day of March in the year one thousand eight hundred and twenty-four, that the governor having received the returns of the elections from the Sheriff of the City and County of Philadelphia, and the respective Sheriffs of the several Counties of this Commonwealth, shall enumerate and ascertain the number of votes given for each and every person voted for as an Elector of a President and Vice President of the United States; and thereupon declare by proclamation the names of the person so duly elected and chosen: and also that he shall notify the same to the Electors respectively on or before the last Wednesday in the month of November next after such election: And Whereas, it appears by the returns which I have received that John B. Gibson, William Findlay, Edward King, John Lisle,

Jacob Holgate, Samuel Humes, Sen'r., John W. Cunningham, George G. Leiper, Henry Sheetz, Adam Ritscher, David Hottenstein, Peter Frailey, Francis Baird, Henry Winter, William Thompson, Leonard Rupert, Jacob Gearhart, George Barnitz, Jacob Heyser, John Harper, John M. Snowden, Robert Scott, John Scott, William Piper, Valentine Geisey, James Gordon, Henry Allshouse, and James Duncan are the persons for whom the greatest number of votes were given at the said election held on Friday the thirty-first day of October last past: Now therefore, I have issued this proclamation, hereby publishing and declaring that the said John B. Gibson, William Findlay, Edward King, John Lisle, Jacob Holgate, Samuel Humes, Sen'r., John W. Cunningham, George G. Leiper, Henry Sheetz, Adam Ritscher, David Hottenstein, Peter Frailey, Francis Baird, Henry Winter, William Thompson, Leonard Rupert, Jacob Gearhart, George Barnitz, Jacob Heyser, John Harper, John M. Snowden, Robert Scott, John Scott, William Piper, Valentine Geisey, James Gordon, Henry Allshouse and James Duncan are duly elected and chosen Electors of a President and Vice President of the United States, to serve at the election in that behalf to be held at the seat of Government of this State (being the Borough of Harrisburg in the County of Dauphin) agreeably to the said Acts of the General Assembly of this Commonwealth, and the Acts of Congress in such case made and provided.

Given under my hand and the Great Seal of the State, at Harrisburg, the fifteenth day of November in the year of our Lord one thousand eight hundred and twenty-eight, and of the Commonwealth the fifty-third.
By the Governor.

C. Blythe,

Secretary of the Commonwealth.

To the Assembly Giving Notice that the Presidential Electors are Ready to Perform their Duties.

Gentlemen,

IN PURSUANCE OF THE FOURTH SECTION OF the act of the General Assembly of the commonwealth of Pennsylvania, approved the second day of February, one thousand eight hundred and two, entitled "An Act to direct the manner, time and places of holding elections for Electors of President and Vice President of the United States; it becomes my duty to inform the Legislature, that the following gentlemen have given notice to me, that they are at the seat of Government, and ready to perform the duties of Electors of President and Vice President of the United States, viz: John B. Gibson, William Findlay, Edward King, John Lisle, Jacob Holgate, Samuel Humes, John W. Cunningham, Henry Sheetz, Adam Ritscher, David Hottenstein, Peter Fraily, Francis Baird, Henry Winter, William Thompson, Leonard Rupert, George Barnitz, Jacob Heyser, John Scott, Willim Piper, James Gordan, John M. Snowden, Jacob Gearhart, Robert Scott, Henry Allshouse, James Duncan, George G. Leiper, Valentine Geisey, John Harper.

J. ANDREW SHULZE.

Harrisburg, December 3, 1828.

Annual Message to the Assembly—1828.

Fellow-Citizens:

A GAIN I HAVE THE GRATIFICATION TO ADDRESS the assembled representatives of the people, and to congratulate them and our common constituents, on the general prosperity, peace and happiness, which overspread our country. The gen-

eral condition of our own state, that which more immediately engages our attention, is considerably improved. The demand for the produce of our farms, and the consequent rise in the price, is sensibly and advantageously felt throughout the commonwealth. The unsettled state of the government of Mexico, and of the more southern republics, and the probable spread of the war in Europe, hold out a prospect that our agricultural productions will continue to command a high price, and our shipwrights will be actively engaged in constructing vessels, not only to carry our own commodities to market, but to do some of the carrying trade for the belligerents. To this prosperous and promising state of things, we have the gratification to add, that our manufacturing establishments greatly increase, and are in successful operation. Another, and an inexhaustible source of wealth to Pennsylvania, is steadily displaying itself in the immense beds of superior coal which are furnishing our own citizens and those of other states, with a most excellent and economical fuel. We cannot survey this increase of business, without congratulating ourselves on the wisdom and foresight of those who have improved our highways, and made large appropriations of the public money to ensure to Pennsylvania, by canals, the cheapest and most rapid mode of transporting our produce, our manufactures and minerals, to wherever they shall be most in demand. Aware of the anxious interest which is felt to know the state of those public works, I cannot deny myself the satisfaction, in some particulars, briefly to touch upon their present condition, so far as I have, on inquiry, been able to ascertain it. It will, in detail, be submitted, in the report of the canal commissioners.

The Pennsylvania line of canals, embrace nine divisions; all of which have been extensively worked upon. I. The eastern division, extending from the mouth of Swatara to that of the Juniata, is 24 miles. The

whole of this, it is confidently expected, will be navigable next spring. The only part of it, not now completed, is believed to be a mile at the upper end, which has been added to the line as originally located. II. The western division extending from Pittsburg to the mouth of the Kiskeminetas, 30 miles, and from the mouth of the Kiskeminetas, 50 miles, to Blairsville, is represented as finished, as are also, the equeduct over the Allegheny, at the mouth of the Kiskeminetas, and the out-let lock at Allegheny town. III. The Susquehanna division, from the mouth of the Juniata to Northumberland, is 40 miles. The dam across the Susquehanna at Shamokin is finished, and the other work in such a state of forwardness, that it is expected it will be navigable in the latter end of the next summer, or early in the fall. IV. The Juniata division extends 45 miles from the mouth of the Juniata, to Lewistown: this extent will be completed about the same time as the Susquehanna division. A new section, extending from Lewistown to Huntingdon, 45 miles, has been recently contracted for, and will probably be completed in two years. V. The Conemaugh division of 28 miles, from Blairsville to the portage over the Allegheny mountain, will be completed about the period the Huntingdon line will be finished. VI. The French creek feeder, from Bemis' mill to Conneaut outlet, nine miles, is on the eve of completion: from Conneaut outlet to Conneaut summit, will require another year. VII. The Delaware division, from Bristol to Easton, a distance of about 60 miles, is not expected to be navigable the whole route before the fall of 1830. VIII. The North Branch division of 45 miles, between Northumberland and Nanticoke falls, is progressing rapidly, and is calculated to be finished early in 1830. IX. The West Branch division extends 23 miles, from Northumberland to Muncey ripples, is advancing rapidly, and is expected to be finished in all the next year. The gen-

eral result appears to be that the state has now under contract 409 miles of canal; of which 113 miles may be considered as finished—103 miles are more than two thirds finished, and the remaining 193 miles are under contract, and little more than begun.

The act passed April 1, 1826, entitled, an act authorising a loan by the Commonwealth, for the construction of the Pennsylvania canal, empowers the commissioners of the Sinking Fund, with the approbation of the Governor, to reimburse the principal at such time or times, as they shall deem expedient. Fifty thousand dollars borrowed from the Harrisburg bank, and twenty-five thousand borrowed from the Easton bank, might with safety have been paid, and leave a balance of \$114,815 46½ in the state treasury on the first of December, 1828. As, however, there are no commissioners of the Sinking Fund, the Governor did not consider himself authorised to repay the \$75,000 without an act of the legislature. If the General Assembly shall think proper to authorise a loan for the year 1829, equal in amount to the sum borrowed last year, there would, probably, be a balance in the state treasury on the first of December, 1829, of \$145,600, after having discharged all the expenses of the civil government, of the militia, of pensions, gratuities, interests on loans, and other engagements. The loan of two millions of dollars, authorised by the act of March 24th, 1828, was taken by the Bank of Pennsylvania, but not on terms so favourable to the government as the loan of 1827. The particulars shall be laid before the legislature. The loan of 1828, will be exhausted in the month of December, when funds will be required to meet the obligations entered into, and contracts made under existing acts of the legislature. The rapidity with which the great public works progress requires large sums of money, and call upon the General Assembly to make prompt provision for the public wants. This state of

things will necessarily suggest, whether prudence does not require that the works already determined upon and contracted for, should be finished before any others shall be commenced. Pursuing this course, the commonwealth might expect to receive such sums of tolls, &c. as would relieve her from the burden of interest, and enable her to complete any further improvements she might think necessary, without in any manner compromising the credit or retarding the prosperity of the state.

The mighty works and consequent great expenditures undertaken by the state, cannot induce me to forbear again calling attention to the subject of public education. To devise means for the establishment of a fund, and the adoption of a plan, by which the blessings of the more necessary branches of education, should be conferred on every family within our borders, would be every way worthy the legislature of Pennsylvania; an attention to this subject, at this time, would seem to be peculiarly demanded by the increased number of children and young persons who are employed in manufactories. It would be desirable for the employers and parents as well as children, that this matter should early engage the attention, and be early acted upon by the legislature, inasmuch as it will be easier in the infancy of manufactories, to adopt and enforce a liberal system, than it would be to establish such a system when thousands more children shall be employed than are at this time. The establishment of such principles, would not only have the happiest effects in cultivating the minds, but invigorating the physical constitutions of the young. What nobler incentive can present itself to the mind of a republican legislator, than a hope that his labor shall be rewarded by ensuring to his country, a race of human beings, healthy, and of vigorous constitutions, and of minds more generally improved, than fall to the lot of any considerable portion of the human family.

When the very important report made by the Commissioners appointed on the Penal Code was laid on the table at the last session, it was not found possible to bestow upon it that deliberate consideration to which its great importance entitled it. The number of copies of the report which were printed and distributed, and the deep and general interest excited, has secured to it that consideration which it is hoped has prepared you to enter upon its examination with all that diligence and anxiety which properly belong to an inquiry which includes not only the Penal Code, but the mode of treating a class of men, who are, unfortunately, too numerous for the peace and security of society.

It has not been usual, in this Commonwealth, to hold extra sessions of the General Assembly, nor should they be held but on extraordinary and urgent occasions. When, however, the great mass of current business which, of necessity, is annually brought before, and acted upon by the legislature of this great state and the time thus consumed, it may merit the attention of this General Assembly to consider how far duty would require that a special session should be held for the sole and expressed purpose of legislating upon the voluminous and important report which now lies on your desks unacted upon. Under circumstances not very dissimilar, the Legislature of New York have held two extra sessions in the last two years, and, I doubt not, with much benefit to their constituents. Of such measure you, gentlemen, are the best as you are the constitutional judges; I have however, thought that on a subject of such magnitude, and bearing so heavily and extensively on the happiness and safety of all, and on the treatment, and, if possible, reformation of those who may subject themselves to the pains and penalties of the laws, that it would be strictly within my constitutional limit to make the suggestion

I have made, and leave it to be acted upon, or otherwise disposed of, as your judgment shall determine.

I have deemed it proper to inform the Legislature that suits have been instituted in the District Court of the United States, by the heirs of the late John Nicholson, to recover some of the lands, which were sold by the Commonwealth as the property of said Nicholson, to satisfy the debts due by him to this State, which had become a lien on all his lands within this Commonwealth. The legislature will judge how far the State is interested, in resisting those claims, made by the heirs, and what steps are necessary to be taken to defend the rights and interests of the Commonwealth.

In the organization of our Government of the Union and of the States, the simple and efficient principle which secures our welfare and repose, is, that the will of the majority shall rule, and whenever that will is constitutionally expressed, whether it be by Election or by Legislation, it is the plain duty, as it must always be the pleasure to every public functionary, cheerfully to concur. To him the laws are the laws of the people; and to him the magistrate is the magistrate of the people, by them rightfully invested with authority for their benefit, and entrusted with so much power as the constitution confers upon the office. At seasons of elections, especially for the higher stations, there will often be great excitement; proportioned to the interest produced by the occasion, and indicative of the solicitude naturally felt in the delegation of important public trusts. It is the right of the citizen freely and actively to take his part, according to the dictates of his judgment. The election over, and its result known, he who has the majority is entitled to be honoured and respected as the people's choice, and to be supported in his efforts faithfully to fulfill and discharge his duties.

Such a season has just passed, and furnished a new evidence of the stability and excellence of our form of government. If, in its progress, there has been more than usual warmth, it is now at an end. The question which caused it is decided. Every good citizen will acquiesce in the decision, and every public functionary, governed by the same motive which influenced him to abstain from embarking his official character in the contest, while it is going on, will find himself placed in no new position, but maintaining the relation to the high officer elected, which the constitution creates, and ready, within his allotted sphere, cordially to co-operate with him for the common good. To the eminent citizen who has been placed by the voice of his fellow-citizens in the highest post, it would be our pleasure, if permitted, to express our acknowledgments for the many and great services he has rendered to our country, and our fullest confidence in his exalted patriotism. Of the President whom they have elected we can truly say, that we hope and trust that his administration will redound to the public honor and welfare, and will be glad to be able to contribute to such a result.

It will give me pleasure, at all times, to co-operate with you in doing whatever may contribute to sustain the rights and promote the happiness of our fellow-citizens, and advance the honour and prosperity of our common country.

J. ANDW. SHULZE.

Harrisburg, Dec. 4, 1828.

CORRESPONDENCE RELATIVE TO THE TEMPORARY
LOAN.

Secretary's Office,
Harrisburg, April 16, 1828.

Sir—By an act of the legislature of the 14th inst. the governor is authorized to negotiate a temporary loan on the credit of the commonwealth, not exceeding in amount five

hundred thousand dollars, from such banks or individuals as may agree to loan the same.

I have been instructed by the governor to enquire of you, whether the bank of Pennsylvania will loan to the commonwealth, the proportion of above mentioned sum, which the governor has deemed it necessary to borrow.

The governor has considered it necessary to negotiate for a loan under said act, to the amount of four hundred and fifty thousand dollars, to be placed to the credit of the commonwealth in the manner following: One hundred thousand dollars on the first day of May next; one hundred thousand dollars on the fifteenth day of May next; one hundred thousand dollars on the first day of June next; and one hundred thousand dollars on the fifteenth day of June next; the additional fifty thousand dollars, may or may not be wanted, on the last mentioned day, of which the bank would be apprised early in June.

The act authorizing the loan, directs that it shall be repaid at the expiration of three months from the passage of the law, which will be on the fourteenth day of July next.

You will please to inform me, at as early a day as convenient, whether the bank of Pennsylvania will advance the above sums on loan, to the commonwealth to be deposited in the bank of Pennsylvania at the times specified, and upon what terms.

I am, very respectfully,
Your obedient servant,

C. BLYTHE.

E. Chauncey, Esq.

Bank of Pennsylvania,

19th April, 1828.

Sir—I have the honor to acknowledge the receipt of your esteemed favour of 16th instant, which was this day submitted to the president and directors of this bank.

It is my expectation that, at an early day in the next week, I shall be able to make known to you the decision of the board of directors on the subject of your letter.

As this bank is not in possession of a copy of the act authorizing the governor to borrow two millions of dollars, nor of the act passed on the 14th inst. authorizing him to obtain a temporary loan of 500,000 dollars, I shall be greatly obliged if

you will order copies of those acts, to be forwarded to this bank from your department.

With great respect, I am, sir,

Your obedient servant,

E. CHAUNCEY, Cashier.

Hon. C. Blythe, Secretary of State, Harrisburg, Penn.

Bank of Pennsylvania,

April 21, 1828.

Sir—To your esteemed favor of the 16th instant, I am instructed to reply that this bank will lend to the commonwealth 400,000 dollars, or 450,000 dollars, if so much shall be required, in the sums, at the times, and on the terms following, viz:

\$100,000 on the 1st May next.

100,000 on the 15th of May next.

100,000 on the 1st June next.

100,000 on the 14th June next, and

50,000 on the 14th June next if it shall be wanted.

The commonwealth will allow interest to the bank at the rate of five per centum per annum, from the days when the above sums shall be advanced, until the time of reimbursement on the 14th day of July next; and the bank shall have the option to be reimbursed at that time either in money or certificates of the five per cent. stock to be issued under the act of March last, at the lowest price at which any of the certificates of said stock shall be disposed of by the state.

Should the above terms meet the approbation of the governor, the bank will immediately commence preparing the funds for its accomplishment, and in doing this at the present unpropitious moment, it will be necessary for the bank carefully to husband all its effective means, in order to sustain its business and credit.

The efforts of the bank to aid the commonwealth on this occasion, might be greatly facilitated, if the superintendents and others who have the disbursements of the public moneys were required, as far as practicable, to keep their accounts in this bank; and the operations of the institution might also be further promoted, if arrangements can be made with the treasury, and the commissioners, by which any considerable part of the money to be advanced, may be paid in the notes of this bank, and that these notes may be the medium of payment to the superintendents, contractors and workmen. Thus the interest and convenience of the bank and of the state would be promoted; and the bank (at its own expense and

risk), place the notes at the treasury, in such sums and at such times as shall be required. In the year 1821, when the loan of one million was made by this bank, a similar arrangement was made by the commonwealth with the bank, and was carried into effect without much inconvenience to the treasury, and greatly to the advantage of this institution.

With great respect, I am, sir,

Your obedient servant,

E. CHAUNCEY, Cashier.

Hon. C. Blythe, Sec'ry of the Commonwealth, Harrisburg,
Pennsylvania.

Secretary's Office,

Harrisburg, April 30, 1828.

Sir—The governor having had under consideration your letter of the 21st of this month, has directed me to inform you, that he accepts of the terms therein proposed, for a temporary loan to the commonwealth under the provisions of the act passed in the last session of assembly, with the exception of that part of your letter which states, "that the bank shall have the option to be reimbursed at that time either in money or in certificates of the five per cent. stock to be issued under the act of March last, at the lowest price at which any of the certificates of the said stock shall be disposed of by the state," as the governor considers himself bound under the provisions of the act authorizing the temporary loan to repay the amount borrowed at the expiration of three months, from and after the passage of the act, out of the proceeds of the loan, authorized by the act, entitled "An act relative to the Pennsylvania canal, &c.," passed the twenty-fourth day of March last. Your immediate answer is respectfully requested. With respect to the keeping the accounts, the governor has declined giving any instructions at this time, considering it an arrangement proper for the consideration of the state treasurer.

I am respectfully

Your friend,

JAMES TRIMBLE,

Deputy Secretary.

Elihu Chauncey, Esq., Cashier of the bank of Pennsylvania,
Philadelphia.

Bank of Pennsylvania, 3d May, 1828.

Sir—The communication from your department under date of 30th ultimo, has been submitted to the president and direc-

tors of this bank, and after the respectful consideration, the board have unanimously adopted the following resolution:

"Resolved, That the correspondence on the subject of a loan to the state, be referred to the committee appointed on that subject, with instructions to reply to the secretary of the commonwealth, that it does not now comport with the convenience and interest of the bank to make the loan on the terms indicated by the deputy secretary of the commonwealth in his letter of the 30th April."

I am, sir, with great respect,

Your ob't serv't,

E. CHAUNCEY,

Cashier.

Honourable C. Blythe, Secretary of the commonwealth.

Bank of Pennsylvania, 24th May, 1828.

Sir—On the application communicated by the state treasurer, the directors of this bank have this day agreed to lend to the commonwealth the sum of 150,000 dollars, being a part of the loan which your excellency is authorized to negotiate under the act of the general assembly passed on the 21st April last.

Of this sum I have delivered to the state treasurer 50,000 dollars, under the expectation that the negotiation will receive the approbation of your excellency, and it is proposed to advance the remaining 100,000 dollars, whenever it shall be required. It is also proposed that the bank shall be allowed interest at the rate of five per centum per annum, on \$50,000 from this date, and on the remaining instalment of 100,000 dollars from the day shall be advanced until the time of reimbursement on the 14th of July next.

From their interview with the state treasurer, the committee have ascertained, with much regret, that their proposal in my letter of 21st ultimo, to the secretary of the commonwealth, has received a construction and produced an impression unfavourable to the views of the bank, and which your excellency may be assured was never in the contemplation of the committee.

It was supposed that the certificates of stock to be created under the act of March last, could not and would not be disposed of at any price less than par; and that when the bank proposed the option of reimbursement, it was under the

expectation that the "lowest price" there mentioned, must be at or above par.

With great respect, I am,
Sir, your ob't serv't.,

E. CHAUNCEY,
Cashier.

To his excellency governor Shulze, Harrisburg, Pennsylvania.

Secretary's Office,
Harrisburg, May 5th, 1828.

Sir—By an act of the legislature of this state, of the fourteenth day of April last, the governor is authorised to negotiate a temporary loan on the credit of the commonwealth, not exceeding in amount five hundred thousand dollars, from such banks or individuals, as may agree to loan the same, a copy of which act is enclosed.

I have been instructed by the governor to inquire of you whether the Harrisburg bank will loan to the commonwealth, pursuant to the said act, for the period therein mentioned, the proportion of the above mentioned sum, which the governor has deemed it necessary to borrow, to wit: four hundred and fifty thousand dollars, or if not the whole, what part thereof, the bank will agree to loan, at an interest not exceeding the rate of five per centum per annum, the amount borrowed, to be re-paid at the expiration of the period mentioned in the act, together with the interest.

You will please to inform me as early as may be, of the amount that the bank will be willing to loan the commonwealth, under the said act, and the terms upon which that loan will be made. I am respectfully,

Your obedient servant,
JAMES TRIMBLE,
Deputy Sec'y.

Thomas Elder, Esq., President of the Harrisburg Bank.

Harrisburg Bank,
May 7th, 1828.

Sir—Your communication of the fifth current, was received and this day submitted to the board of directors of the Harrisburg bank, who direct me to inform you, that this institution agrees to loan to the commonwealth one hundred thousand dollars on interest, at the rate of five per cent per annum, the money to be re-paid on the fourteenth July, 1828.

Yours respectfully,
THO. ELDER, President.

James Trimble, Esq., Deputy Sec'y of Com'th.

Secretary's Office,
Harrisburg, May 8th, 1828.

Sir—The governor has directed me to inform you, that he accepts the temporary loan to the commonwealth, from the Harrisburg bank, of one hundred thousand dollars, on the terms stated in your letter of yesterday, and I am instructed to request, that you will please to cause the same to be immediately placed to the credit of the commonwealth, on the books of the bank, subject to the order of the state treasurer.

I am, sir, respectfully,

Your obedient servant,

JAMES TRIMBLE,

Dep. Sec.

Thomas Elder, Esq., President of the Harrisburg Bank.

Secretary's Office,
Harrisburg, May 8, 1828.

Sir—By an act of the legislature of this state, of the fourteenth day of April last, the Governor is authorised to negotiate a temporary loan, on the credit of the commonwealth, not exceeding in amount five hundred thousand dollars, from such banks or individuals as may agree to loan the same, a copy of which acts is inclosed.

I have been instructed by the Governor to inquire of you, whether the Philadelphia bank will loan to the commonwealth, pursuant to the said act, for the period therein mentioned, three hundred and fifty thousand dollars, the sum now necessary to be borrowed, or if not the whole, what part thereof said bank will be willing to loan, at an interest not exceeding the rate of five per cent. per annum, the amount borrowed to be repaid at the expiration of the period mentioned in the act, together with the interest.

You will please to inform me as early as may be, of the amount that the bank will be willing to loan to the commonwealth, under the said act, and the terms upon which the loan will be made.

I am very respectfully,

Your obedient servant,

JAMES TRIMBLE,

Deputy Secretary.

John Reed, Esq., President of the Philadelphia bank.

A similar letter to the foregoing of the same date was written to Joseph Tagert, Esq., president of the Farmers and Mechanics bank of Philadelphia.

Similar letters to the foregoing were written on the 10th May, 1828, to the president of the York bank, and to the president of the Carlisle bank.

Similar letters to the foregoing were written on the 12th May, 1828, to the presidents of the bank of Pittsburg, and the Westmoreland bank.

Similar letters to the foregoing were written on the 16th May, 1828, to the presidents of the Farmers bank of Reading, Farmers bank of Lancaster and bank of Chester county.

Similar letters to the foregoing were written on the 9th May, to Wm. Meredith, Esq., president of the Schuylkill bank, and to the president of the Commercial bank of Pennsylvania.

Schuylkill bank, in the city of Philadelphia,

May 13th, 1828.

James Trimble, Esq., Deputy Secrteary, &co.:

Sir—Your communication of the 9th has been laid before the directors of this bank, and I am directed to reply to the inquiry which it contains, that they are willing to loan to the commonwealth, ten thousand dollars at the rate of interest mentioned, upon the terms mentioned in the act authorising a temporary loan.

With great respect,

Your most obt. servt.,

W. MEREDITH, Prest.

Secretary's Office,

Harrisburg, May 17th, 1828.

Sir—The Governor has directed me to inform you, that he accepts the temporary loan of ten thousand dollars, from the Schuylkill bank in the city of Philadelphia, to the commonwealth, on the terms stated in your letter of the 13th inst., and I am instructed to request that you will please to cause the same to be placed to the credit of the commonwealth on the books of the bank, immediately, subject to the drafts of the State Treasurer.

I am very respectfully,

Your obedient servant,

JAMES TRIMBLE,

Deputy Secretary.

W. Meredith, Esq., President of the Schuylkill bank, in the city of Philadelphia.

Schuylkill Bank, May 19, 1828.

James Trimble, Esq., Deputy Secretary:

Dear Sir—The commonwealth has credit in this bank ten thousand dollars, which is held subject to the drafts of the State Treasurer, being the amount of a loan made by this institution, as communicated in Mr. Meredith's letter of the 13th inst.

Very respectfully,

Your obedient servant,

H. J. LEVIS, Cashier.

Commercial Bank of Pennsylvania,

Philadelphia, 15th May, 1828.

Sir—I have to acknowledge the receipt of your favour, 9th inst., in which you inform me that you were instructed by the Governor, to inquire whether the Commercial Bank of Pennsylvania, will loan to the commonwealth (pursuant to an act of the legislature, of which you enclosed me a copy), three hundred and fifty thousand dollars, or if not the whole, what part thereof, at an interest not exceeding the rate of five per cent. per annum; the amount borrowed to be repaid at the expiration of the period mentioned in the act, together with the interest.

The communication has been laid before the board of directors, convened to-day, for the purpose of considering the subject; and I am directed by them to request that you would be pleased to inform the Governor, that owing to the pressing demands of our commercial citizens, the bank has been obliged to accommodate their customers with loans to the extent of their means, and that under present circumstances, it would not be in their power to make an additional loan of large amount, without embarrassing their business; but in order to show their wish to meet the object contemplated in the Governor's request, they will agree to loan the sum of thirty thousand dollars, on the terms mentioned in your communication; Provided, that if a higher rate of interest is allowed to those who may loan the remainder of the sum required, this bank shall be placed on the same footing with them in all respects. And I am also instructed to request that the money agreed to be loaned, shall not be drawn out in order to be deposited in another bank, but to be drawn for, by the Treasurer at such times, and for such sums as the exigencies of the state may require. The sum, therefore, of thirty thousand dollars will be placed on our books, subject to the order

of the Treasurer of the State on two days' previous notice being given us by him of the acceptance of the above proposition.

I am respectfully, sir,

Your most obedient servt.,

ANDREW BAYARD, Pres't.

James Trimble, Esq., Deputy Secretary.

Secretary's Office,

Harrisburg, May 17, 1828.

Sir—The Governor has directed me to inform you that he accepts the temporary loan of thirty thousand dollars from the Commercial Bank of Pennsylvania to the commonwealth, on the terms stated in your letter of the 15th inst., and I am instructed to request that you will please to cause the same to be placed to the credit of the commonwealth on the books of the bank immediately, subject to the draft of the State Treasurer.

I am respectfully,

Your obedient servant,

JAMES TRIMBLE, Deputy Sec'y.

Andrew Bayard, Esq., President of the Commercial Bank of Penn'a.

Carlisle Bank,

15th May, 1828.

Calvin Blythe, Esq., Secretary of State:

Dear Sir—In reply to the letter of the Deputy Secretary of State of the 10th inst., on the subject of a temporary loan to the commonwealth, I am instructed by the board of directors of this institution, to inform you that they have agreed to loan the commonwealth, fifty thousand dollars, at the rate of five per centum per annum, to be repaid with interest, at the time mentioned in the act of the 14th April last, authorising a temporary loan on the credit of the commonwealth.

I am very respectfully,

Your obedient servant,

GEO. A. LYON, Prest.

Secretary's Office,

Harrisburg, May 16, 1828.

Sir—The Governor has directed me to inform you, that he accepts the temporary loan of fifty thousand dollars from the Carlisle bank, to the commonwealth, on the terms stated in

your letter of the 15th inst., and I am instructed to request, that you will please to cause the same to be placed to the credit of the commonwealth, on the books of the bank, immediately, subject to the drafts of the State Treasurer.

I am very respectfully,

Your obedient servant,

JAMES TRIMBLE, Deputy Sec'y.

George A. Lyon, Esq., President of Carlisle Bank.

Philadelphia Bank,

May 16, 1828.

Sir—Your letter of the 8th instant is duly received on the subject of a proposed temporary loan to the commonwealth of \$350,000, at an interest not exceeding five per cent. per annum, which was submitted to the directors of this bank, and in reply I am requested to state that owing to the present demand for money in the city, and the inability of the institution to satisfy the demands of all its customers, it is not convenient at this time to accommodate the state with any part of said loan upon the terms therein stated.

Should the Governor, however, deem it consistent with the discretionary power vested in him by the act of the 14th April last, this bank would be willing to loan to the state the sum of fifty thousand dollars at the rate of six per cent. per annum, as a part of the loan, to be repaid in three months from the 14th day of April last.

I remain with great respect,

Sir, your obedient servant,

JOHN REED.

James Trimble, Esquire, Deputy Secretary.

Farmers and Mechanics Bank,

Philadelphia, May 19th, 1828.

James Trimble, Esquire, Deputy Secretary:

Sir—I have received your letter of 8th instant on the subject of a temporary loan to the commonwealth; the letter has been laid before the board of directors and duly considered, and I have been instructed to inform you that this bank cannot at this time, furnish the state with the whole or any part of the sum required.

There has been for several months past, a severe pressure on the banks generally, and at present this bank has not the means to supply the demands of its regular customers.

I am, very respectfully,

Your obedient servant,

J. TAGERT, Prest.

Lancaster, May 20th, 1828.

Sir—The Board of Directors of the Farmers' Bank of Lancaster, have instructed me to inform you, that they will loan \$50,000 to the Governor of the commonwealth, at five per cent. for the term required.

I am, very respectfully,

Yours, &c.,

WM. JENKINS,
President.

To Calvin Blythe, Esq., Secretary.

Secretary's Office,

Harrisburg, May 22d, 1828.

Sir—The Governor has directed me to inform you that he accepts the temporary loan of fifty thousand dollars from the Farmers' Bank of Lancaster, to the commonwealth, on the terms stated in your letter of the 20th instant, and I am instructed to request, that you will please to cause the same to be placed to the credit of the commonwealth on the books of the bank immediately, subject to the drafts of the State Treasurer.

I am very respectfully,

Your obedient servant,

JAMES TRIMBLE,
Deputy Secretary.

William Jenkins, Esq., President of the Farmers' Bank of Lancaster.

York Bank, May 15th, 1828.

James Trimble, Esq., Deputy Secretary of the Commonwealth of Pennsylvania:

Sir—Your letter of the 10th instant, was duly received with the copy of the act of assembly. The board of directors met yesterday, and have requested me to inform you in reply, that it is not convenient for this institution to offer for any part of the temporary loan according to the propositions contained in the act.

I may on this occasion be permitted further to add that any requisition for the proportion of the loan as required by the charter of this bank, whenever such requisition shall be made, will of course be promptly complied with, and further, that

upon any opportunity being offered for a loan of a more permanent character, this institution will doubtless embrace it.

I am respectfully,

Your obedient servant,

CHARLES A. BARNITZ, Pres't.

Secretary's Office,

May 28, 1828.

Sir—The Governor has directed me to inform you that he accepts of the temporary loan of one hundred and fifty thousand dollars from the Bank of Pennsylvania, to the commonwealth, on the terms stated in your letter of the 24th inst. and has instructed me to request that you will be pleased to cause the same to be placed to the credit of the commonwealth, on the books of said bank immediately, and to transmit a certificate of the deposit, to the State Treasurer, as soon as convenient.—Interest to be allowed on fifty thousand dollars from the 24th instant.

The Governor has requested me to inform you of his satisfaction with the disposition of the committee of directors, as stated in your letter of the 24th instant, and as manifested in their promptness, in advancing the above loan.

Very respectfully,

Your obedient servant,

CALVIN BLYTHE,

Secretary of the Commonwealth.

E. Chauncey, Esq., Cashier bank of Pennsylvania.

Bank of Chester County,

May 20, 1828.

This Bank will loan to the commonwealth of Pennsylvania, fifty thousand dollars, in part of the temporary loan, authorised by an act of the Legislature, passed the 14th April, 1828, entitled "An act authorising a temporary loan," at an interest at the rate of four and one-half per cent. per annum; the amount to be repaid at the time fixed by the above recited act: Provided, nevertheless, that the amount be received in notes of this bank, and circulated from the Treasury in payments to be made thereat, and provided also, that the said sum of \$50,000 be accepted from this bank, in part of a loan authorised by an act, entitled "An act relative to the Pennsylvania canal, and to provide for the commencement of a railroad to be constructed at the expense of the state, and to be styled the Pennsylvania rail road," upon the same terms as

the balance of the said loan shall be accepted, or if the balance of the said loan shall be accepted at different rates or premiums, then the said fifty thousand dollars to be accepted at the average of such rates of premiums for the whole sum.

If the sum hereby offered on account of the temporary loan be accepted, the amount will be paid to the treasurer at Harrisburg, within four days after notice thereof shall be received at this bank.

Yours respectfully,

RICHARD THOMAS, jr., Prest.

The Secretary of the commonwealth.

Secretary's Office,

Harrisburg, May 29, 1828.

Sir—I am directed by the Governor to reply to your letter of the 20th inst., in which the bank of Chester county proposes to loan to the Commonwealth of Pennsylvania, \$50,000, in part of the temporary loan authorised by the act of assembly of 14th April, last, at an interest at the rate of $4\frac{1}{2}$ per cent. per annum, the amount to be repaid at the time fixed by the above recited act, upon the conditions set forth in your letter. With regard to the first condition, the receiving the amount of the loan in notes of said bank, and circulating them from the treasury, in payments to be made thereat—an arrangement to that effect depends entirely upon the treasurer. He has every disposition to make any arrangement that would meet the views of the bank, in the disbursement of the money loaned; but cannot at present make a positive engagement to comply with the above condition, until he shall have made an arrangement with the canal commissioners, whose co-operation is necessary; the board of canal commissioners will meet here on the 1st June.

With regard to the second condition, the accepting of the above loan, in part of the loan authorised by an act relative to the Pennsylvania canal, &c., the Governor does not feel himself authorised by the terms of the law authorising a temporary loan, to accept the loan on that condition, but has instructed me to inquire of you whether the bank would advance \$50,000, without the condition contained in your letter of the 20th inst., and upon what terms; the amount to be placed at the disposal of the Treasury, about the 10th day of

June next, leaving the disbursing of the amount in notes of said bank, at the treasury to be arranged with the treasurer.

Your answer at as early a day as convenient is desired.

Very respectfully,

Your obedient servant,

C. BLYTHE, Sec'y of Comm'th.

Richard Thomas, Jr., Pres't of Bank of Chester county.

Bank of Chester County, June 3, 1828.

The Bank of Chester county will loan to the Commonwealth of Pennsylvania, fifty thousand dollars, in part of the loan authorised by an act entitled "An act authorising a temporary loan," passed the 14th of April, 1828, at an interest at the rate of five per cent. per annum, provided the notes of this bank will be circulated from the treasury in payments to be made thereat. If this proposition is accepted, the notes will be sent to the treasury in four days after notice of its acceptance is received at this bank.

Or in case the above proposaal is not accepted, this bank will lend to said commonwealth, twenty-five thousand dollars, at the above rate of interest, the amount to be placed to the credit of the treasurer, on the books of this bank, and drawn for at any time after notice of the acceptance thereof is received at this bank.

DAVID TOWNSEND, Cash'r.

Calvin Blythe, Esq., Secretary of the Commonwealth.

Dear Sir—As the canal commissioners are in session, and as you can now probably decide whether an arrangement could be made with the treasurer to circulate the amount mentioned in the first above proposal, in our notes, the bank thought proper again to offer to lend \$50,000 on that condition, omitting the other condition mentioned in the proposals of the 20th May; this explains the reason for now repeating that condition.

I am yours, respectfully,

DAVID TOWNSEND, Cash'r.

Calvin Blythe, Esq., Sec'y of the Com'th.

Secretary's Office,

Harrisburg, June 6, 1828.

Sir—The Governor has directed me to inform you that he accepts the temporary loan of twenty-five thousand dollars, to the Commonwealth, from the Bank of Chester county, at

the rate of five per cent per annum, agreeably to the terms stated in your letter of the 3d inst., respecting the loan of twenty-five thousand dollars; and I am instructed by the Governor to request that you will cause the amount of said loan to be placed to the credit of the Commonwealth on the books of said Bank, upon the receipt of this letter, and to forward a certificate of the deposit to the State Treasurer as soon as convenient.

The State Treasurer consulted with the acting Canal Commissioners on the subject of disbursing your notes on the line, but has not been able to make such an arrangement as would enable him positively to engage that he would have them disbursed.

The Governor has therefore accepted of the 25,000, agreeably to your proposal for lending that sum.

Very respectfully,

Your obedient servant,

C. BLYTHE,
Sec'y Comm'th.

David Townsend; Esq., Cashier of Chester county Bank.

Farmers Bank of Reading, May 31, 1828.

James Trimble, Esq., Deputy Secretary of State.

Sir—Your circular under date of the 16th instant has been received, and by me laid before the directors of this institution, who upon consideration have directed me to tender you a loan of twenty-five thousand dollars, at the rate of five per cent. on the terms expressed in the act passed the 24th March last past.

Should this meet with the approbation of the executive, you will have the goodness to apprise me of such determination.

Very respectfully,

Your obedient servant,

BENNEVILLE KEIM,
President Farmers Bank.

Secretary's Office,

Harrisburg, June 6, 1828.

Sir—The governor has directed me to inform you that he accepts the temporary loan of twenty-five thousand dollars from the Farmers bank of Reading to the commonwealth at the rate of five per cent. per annum, agreeably to the terms stated in your letter of the 31st May, and I am instructed by

the governor to request that you will cause the amount of the loan to be placed to the credit of the commonwealth, on the books of said bank immediately, and to transmit a certificate of the deposit to the state treasurer.

Very respectfully,

Your obedient servant,

C. BLYTHE,

Secretary Commonwealth.

Benneville Keim, Esq., President Farmers bank of Reading.

Westmoreland Bank of Pennsylvania, May 23, 1828.

Sir—A communication from the deputy secretary of the commonwealth, accompanied with a copy of an act of assembly of the 14th April last, have been received at this institution, and laid before the board of directors. As president of the board I am instructed to inform your excellency that this bank is willing to loan to the commonwealth the sum of twenty thousand dollars at the rate of five per centum per annum, for the period mentioned in said act.

I have the honor to be,

With great respect your ob't ser't.,

J. B. ALEXANDER,

President Westmoreland bank of Pennsylvania.

His excellency J. Andw. Shulze, Governor of the commonwealth of Pennsylvania.

Secretary's Office,

Harrisburg, May 28, 1828.

Sir—The Governor has directed me to inform you, that he accepts the temporary loan of twenty thousand dollars from the Westmoreland bank of Pennsylvania to the commonwealth, on the terms stated in your letter of the 23d inst., and I am instructed by the governor to request that you will please to cause the amount of the loan to be placed to the credit of the commonwealth, on the books of said bank immediately, and to transmit a certificate of the deposit to the state treasurer by return mail if convenient.

Very respectfully,

Your obedient servant,

C. BLYTHE,

Secretary of the Commonwealth.

J. B. Alexander, Esq., President Westmoreland bank of Pennsylvania.

Bank of Pittsburg, May 20, 1828.

Dear Sir—I received yours of the 12th instant, on the subject of a temporary loan to the commonwealth of Pennsylvania, authorised to be obtained by the governor, in pursuance of the act for that purpose of the 14th of April ult., I have this day laid your letter before the board of directors of the bank of Pittsburg, who have authorized me to say to you, that they will loan to the State, the sum of thirty thousand dollars, at the rate of five per cent. per annum, to be repaid with interest at the expiration of the time mentioned in said act.

Yours, very respectfully,

JOHN M'DONALD, President.

Secretary of the Commonwealth, Harrisburg, Pennsylvania.

Secretary's Office,

Harrisburg, May 28, 1828.

Sir—The Governor has directed me to inform you, that he accepts the temporary loan of thirty thousand dollars from the bank of Pittsburg to the commonwealth on the terms stated in your letter of the 20th instant, and I am instructed by the governor to request that you will please to cause the amount of the loan to be placed to the credit of the commonwealth on the books of said bank immediately, and to transmit a certificate of the deposit, to the state treasurer by return mail if convenient.

Very respectfully,

Your obedient servant,

C. BLYTHE,

Secretary of the Commonwealth.

John M'Donald, Esq., President of the bank of Pittsburg.

CORRESPONDENCE RELATIVE TO THE TWO MILLIONS LOAN OF 1828.

Secretary's Office,

Harrisburg, May 28th, 1828.

Pennsylvania Canal and Rail Road Loan.

Notice is hereby given that agreeably to an act of Assembly of the 24th day of March last, relative to the Pennsylvania Canal, and to provide for the commencement of a Rail Road to be constructed at the expense of the state, and to be styled the Pennsylvania Rail Road,

Proposals will be received

at the office of the Secretary of the Commonwealth until five o'clock P. M., of Tuesday, the first day of July next, for lend-

ing to the Commonwealth for canal and rail road purposes the sum of two millions of dollars. The principal to be reimbursable by the state, at any time after the first day of December, one thousand eight hundred and fifty-three.

Certificates of stock transferable at the pleasure of the holder according to law, bearing an interest of five per centum per annum payable half yearly, either at the Treasury office or the bank of Pennsylvania will be issued by direction of the Governor.

The proposals will therefore state, not only the sum offered to be loaned, but the amount of premium proposed to be given for every one hundred dollars of stock, bearing an interest of five per cent. as aforesaid. The state reserves the right to accept the whole, or any part of the sums offered, unless the proposals stipulate to the contrary.

When any proposals are accepted the amount is to be paid into the state treasury, or in some convenient chartered bank of the state to be designated by the Secretary, and upon receipt being obtained therefor from the Treasurer, or the Cashier of the bank, certificates of stock will be issued in such amount as may be requested by the lenders.

The money loaned will be required by the state as follows: \$860,000 on the tenth day of July next and the further instalments of \$190,000 on the first days of September, October, November, December, January and February next. When the proposals are only for a part of the whole sum to be borrowed, it will be proper to state in them for which of the instalments they are made, and whether to be confined to those instalments only; otherwise it will be considered as discretionary with the Governor, to apply the same to any of the instalments.

The proposals to be directed under seal to the Secretary's office, indorsed "proposals for canal and rail road loan," and they will not be opened or disclosed until the period has elapsed for receiving them, after which no alterations in the terms will be admitted.

CALVIN BLYTHE,
Secretary of the Commonwealth.

Harrisburg, 1st July, 1828.

Sir—In behalf of the bank of Pennsylvania, I make the following offers to lend to the Commonwealth, two millions of dollars, in the manner and on the terms stated from your department, dated 31st May, 1828:

1st. For the whole stock I will pay one hundred dollars in money for every one hundred dollars of stock.

Or, 2d. If the above offer be rejected, because of a better bid or better bids from other sources, then I will pay for the whole stock one per centum, on and above the value of the premiums offered, on so many of the best bids from other sources, as when taken together shall not be less than 800,000 dollars, nor more than 2,000,000 of dollars: Provided, I do not thereby pay more than 101 dollars in money for every 100 dollars in stock.

It is not intended that either of these offers shall apply to less than the whole stock, to be created under the act of 24th March last.

I am, sir, your obt.,

E. CHAUNCEY, Cashier.

Hon. Calvin Blythe, Esq., Secretary of the Commonwealth.

Secretary's Office,

Harrisburg, July 1, 1828.

Sir—I am instructed by the Governor to inform you, that he will accept of a loan of two millions of dollars, from the Bank of Pennsylvania to the commonwealth of Pennsylvania, under the authority of the act of the general assembly of the 24th day of March last, upon the terms contained in your first proposition, viz: upon the bank paying one hundred dollars in money for every one hundred dollars in stock, in your letter dated this day. The money to be deposited in the Bank of Pennsylvania to the credit of the commonwealth, in the sums and at the times specified in the proposals issued from this office on the 28th day of May last, for canal and rail road loan. You will please apprise me of your acceptance of these terms, on behalf of the Bank of Pennsylvania, and forward to the state treasurer certificates of the deposits.

Very respectfully, your obedient servant,

Secretary of the Commonwealth.

E. Chauncey, Esq., Cashier of the Bank of Pennsylvania.

PROPOSALS FOR CANAL AND RAILROAD LOAN.

Chester County, 28th June, 1828.

The undersigned will loan on account of the "Pennsylvania canal and rail road loan," three thousand dollars. He offers a premium of two per cent.

If this proposal be accepted, it must be understood as applicable to the last instalment, to wit, that of February.

ISAAC WAYNE,
Paoli Post Office, Chester Co., Pa.

Philadelphia, June 28, 1828.

Secretary of the State of Pennsylvania:

Sir—I will take two thousand dollars of the five per cent. loan, for canal and rail road purposes, and the first instalment with a premium of three and a half per cent. It is for a full certificate. The money will be paid in any bank in this city upon notice.

JOHN SHIELDS,
Pine above 10th, or at No. 3, south 4th st.

Lancaster, June 18, 1828.

Sir—The board of directors of the Farmer's bank of Lancaster, have instructed me to inform you, that they will loan to the State, (on the Canal and Rail road loan), the sum of fifty thousand dollars, at five per cent. per annum, without premium—and for that purpose they agree that the temporary loan of fifty thousand dollars, recently made, and which will be due the 14th July next, be transferred to the permanent loan, they receiving interest on the said temporary loan of fifty thousand dollars only up to the 10th July next, at which time this loan is to be considered as made with interest as above from that time.

This arrangement will save the state four days' interest, and it is supposed will answer as well as if they were to pay the fifty thousand dollars, on the 10th July, and receive it again on the 14th.

I am respectfully,
Yours, &c.,

WILLIAM JENKINS,

Prest. of the Farmer's bank of Lancaster.

To Calvin Blythe, Esq., Secretary of the Commonwealth.

York Bank,
18th June, 1828.

The directors of the York bank propose to lend to the commonwealth, for canal and railroad purposes, the sum of twenty thousand dollars under the terms contained in the advertisement of the Secretary of the commonwealth, dated the 28th day of May last.

If accepted the directors will pay the whole sum when the first payment is required, or in any other manner, or at any place that may be designated.

CHARLES A. BARNITZ, President.

Lancaster Bank,
Lancaster, 21st June, 1828.

Calvin Blythe, Esq., Secretary of the Commonwealth:

Dear Sir—The directors have authorized me to offer a loan to the commonwealth of Pennsylvania of twenty-five thousand dollars, at an interest of five per cent. per annum; the interest payable semi-annually at the bank of Pennsylvania. In case this proposition is accepted, we offer it in part of the eight hundred and sixty thousand dollars, payable on the 10th July next. We would prefer having our certificates of stock as follows:

Two of ten thousand each, and one of five thousand dollars.

I am very respectfully,

Your obedient Servant,

JAMES EVANS, Cashier.

Bank of Pennsylvania,
10th July, 1828.

Dear Sir—The account of the commonwealth in this bank has this day been credited eight hundred and sixty thousand dollars (\$860,000), which is the first instalment on the loan of two millions of dollars, which the Governor agreed, on the the first instant, to take from this bank, under the authority of the act of the general assembly, passed on the 24th day of March last. For this instalment I request to be furnished, as soon as practicable, with nine certificates, (say eight for \$100,000 each, and one for \$60,000), of stock, amounting together to \$860,000, transferable on the books of the Auditor General, or at the Bank of Pennsylvania, to be reimbursable by the state at any time after the first day of December, 1853, with interest from this date, at the rate of five per centum per annum, payable half yearly at the treasury office or at the Bank of Pennsylvania.

With great respect, I am, sir,

Your obedient servant,

E. CHAUNCEY, Cashier.

Hon. Calvin Blythe, Secretary of the Commonwealth, Harrisburg, Penn.

Joseph P. Norris, Esq., president of the Bank of Pennsylvania, not having accepted the appointment of commissioner

of loans, the following letter was addressed to Elihu Chauncey, Esq., accompanied by a copy of the same instructions which had been forwarded to Mr. Norris.

Secretary's Office,
July 18, 1828.

Sir—Accompanying this is a commission issued by the Governor, appointing you, under the authority of an act of the legislature, passed in April last, commissioner of loans.

The second section of an act authorising a temporary loan, authorises the Governor to appoint the president of the Bank of Pennsylvania, or some other fit person, to be a commissioner of loans, with authority to issue and sign certificates of such stock pertaining to the loans of this commonwealth, as may be transferred at said bank, under such arrangements with said bank as may be satisfactory to the Governor. The foregoing is a copy of the law above referred to, so far as it relates to this appointment.

Accompanying this, you have the arrangements agreeably to which the Governor, on consultation with the Auditor General and State Treasurer, considers it necessary the commission should be executed. The Governor requests that you will inform him as soon as convenient, whether you can accept the appointment.

Very respectfully, your obedient servant,

C. BLYTHE,

Secretary of the Commonwealth.

E. Chauncey, Esq., Cashier of the Bank of Pennsylvania.

Bank of Pennsylvania,
30th July, 1828.

Hon. Calvin Blythe, Secretary of the Commonwealth:

Sir—Your esteemed favor of the 18th instant, with a commission from the governor of the same date, appointing me Commissioner of Loans, under authority of the act of assembly passed 14th of April last, together with instructions for transacting the business, were duly received, and submitted to the president and directors of this Bank on the 23d instant.

The subject received considerable consideration and discussion on the 23d, 26th and 30th instant; and the board of directors have this day adopted the following preamble and resolution, with which it will be my duty and pleasure to comply. I shall, of course, adopt measures to carry the wishes

of the legislature and the governor into effect, as soon as circumstances will permit.

The following resolution (offered by Mr. Ridgway, seconded by Mr. White), was adopted by the board:

"Whereas a prominent object for which this Bank was established, was (as declared in its charter, to promote the regular, permanent and successful operation of the finances of this state. And whereas, the legislature has deemed it desirable, for the successful operation of the finances of the state, that its public stock shall be transferable, and the interest payable at this Bank, and that the Governor shall appoint the President or some other fit person to issue and sign certificates of such stock of this commonwealth, as may be transferred at this Bank. And whereas, the Governor has appointed Elihu Chauncey, the present cashier of this Bank, to issue and sign certificates of such stock pertaining to the loans of the commonwealth, as may be transferred at the Bank of Pennsylvania,

Be it therefore resolved, That this Bank does hereby accede to those provisions of the several acts of the legislature, in which it has been enacted that the interest on the public stock of the state shall be payable at this Bank, at such times as shall be prescribed, and with such funds as shall be furnished by the state—that the certificates of the debt of the state may be transferred at this Bank, and the transfers received and recorded by or under the direction of the cashier; and that the cashier or any other officer in this Bank, who has been, or may be, appointed and commissioned by the Governor for the purpose, be and he is hereby required to issue and sign (as Commissioner of Loans of the commonwealth of Pennsylvania) certificates of such stock pertaining to the loans of the commonwealth, as may be transferred at the Bank of Pennsylvania, according to the provisions of an act of the general assembly, passed the 14th day of April last. And that any and every sum or sums of money, which may be appropriated and paid by the commonwealth for doing this business, shall be placed to an account in the general ledger of this bank, to be entitled "Commissions received from the commonwealth for doing the public business," and whatever expenses may be incurred by the Bank in transacting said business, shall be charged to the same account."

I am, sir,

With great respect,

Your obedient servant,

E. CHAUNCEY, Cashier.

Office of the Secretary of the Commonwealth,
Harrisburg, August 7th, 1828.

Sir—I have to inform you that the Canal Commissioners of the Commonwealth, will meet in this place on the eighteenth day of the present month, when it is expected that an application will be made by the board, to the Governor for his warrant for a larger sum or sums for canal purposes, and payable sooner than was at first thought necessarary. I am therefore directed by the Governor to request of you the favor to inform him, as soon as conveniently may be, whether or not, one or more instalments of the permanent loan of the present year can be had from the bank of Pennsylvania, at an earlier period than was heretofore agreed upon, and if so, at what time payment can be made.

In am, sir, very respectfully,
Your friend,

JAMES TRIMBLE,
Deputy Secretary.

Elihu Chauncey, Esq., Cashier of the bank of Pennsylvania.

Bank of Pennsylvania, 13th August, 1828.

Dear Sir—In reply to your esteemed favor of the 7th inst., the president and directors of this bank have instructed me to inform—that, if it will promote the convenience of the Commonwealth, this bank will immediately advance the sum of 293,094 dollars, on account of the future payments to be made under the contract of 1st ultimo, for the permanent loan of 1828, so that each subsequent instalment, shall be reduced from 190,000 dollars, to 141,151 dollars.

Immediately after I shall be informed that this offer is accepted by the Governor, the sum of 293,094 dollars, will be placed to the credit of the account of the Commonwealth in this bank, for which sum, I shall request a certificate of the five per cent. stock of 1828, bearing interest from the day of the deposit of the money.

The convenience of the bank will be promoted by a reply, as early as your convenience will permit.

I am, sir, very respectfully,
Your obdt. servt.,

E. CHAUNCEY, Cashier.

James Trimble, Esq., Deputy Secretary.

Secretary's Office,
Harrisburg, August 21st, 1828.

Sir—The Governor having considered your letter of the 13th inst., has directed me to inform you, that he accepts the propo-

sition of the bank of Pennsylvania therein contained, varying the instalments of the permanent loan of 1828, so that two hundred and ninety-three thousand and ninety-four dollars, may be received into the State Treasury immediately, and the further sum of one hundred and forty-one thousand one hundred and fifty-one dollars, on the first day of each succeeding month to the first day of February next. These moneys being so placed to the credit of the account of the commonwealth, certificates of the five per cent. stock of 1828, bearing interest from the day of the deposit of the money, will be accordingly issued.

I am very respectfully,

Your obedient servant,

JAMES TRIMBLE,

Deputy Secretary.

Elihu Chauncey, Esq., Cashier of the bank of Pennsylvania.

Bank of Pennsylvania, 25th August, 1828.

Dear Sir—The account of the commonwealth in this bank, has this day been credited, two hundred ninety-three thousand and ninety-four dollars, (say 293,094 dollars), on account of the loan of two millions of dollars, which the Governor agreed to take from this bank, under the authority of the act of Assembly, passed the 24th day of March last.

This payment has been made by the request of the Governor, in anticipation of the future instalments; so that each instalment will hereafter be 141,151 dollars.

I must request to be furnished with a certificate for 293,094 dollars, of the five per cent. stock, of 1828, bearing interest from this date, in the name of this bank.

With great respect,

I am sir, your obt. servt.,

E. CHAUNCEY, Cashier.

Hon. Calvin Blythe, Secretary of the Commonwealth, Harrisburg, Pa.

Bank of Pennsylvania,

1st September, 1828.

Sir—The account of the Commonwealth in this bank, has this day been credited one hundred forty-one thousand one hundred and fifty-one dollars (say 141,151 dollars), being the sum payable this day, on the second instalment of the loan of two millions of dollars, which the Governor agreed to take from this bank, under the authority of the act of assembly passed on the 24th day of March, 1823.

For this instalment I request to be furnished with a certificate of the five per cent. stock of 1828, for the sum of 141,151 dollars, in the name of this bank, bearing interest from this date, as soon as shall be convenient.

With much respect,

I am, Sir,

Your obedient servant,

E. CHAUNCEY, Cashier.

Hon. Calvin Blythe, Sec'y of the Commonwealth, Harrisburg, Pa.

Secretary's Office,
Harrisburg, Sept. 16, 1828.

E. Chauncey, Esq.:

Sir—I am directed by the Governor to inquire of you whether in case the progress of the works on the canal should require it, the Pennsylvania bank could advance in anticipation of the instalments of the loan of this year, a further sum in October and November; say from \$100,000 to \$200,000, during the months of October and November, in addition to the monthly instalments, as fixed by the last arrangement with the bank. This communication is made in accordance with a resolution of the board of canal commissioners, in order that funds should be prepared if they can be had, and the progress of the work on the canal should require them. From the sum expended this month it is thought the monthly instalments for the next two months may possibly fall short.

How much may be wanted in addition to the monthly instalments I am not now prepared to say. It is important that the work should not be retarded for the want of funds, whilst the season is favorable to its progress. I have therefore to request that you will inform the Governor whether the bank can make an advancement, early in next month, and one in the month of November, should they be wanted, and to what extent the bank could advance.

Very respectfully,

Your obedient servant,

C. BLYTHE.

Bank of Pennsylvania,
22d September, 1828.

Dear Sir—Your esteemed favor of the 16th inst. has been received; and I regret extremely that I cannot at this moment give you a satisfactory assurance that the advance requested will be made, in the months of October and November.

There is a strong probability that the arrangements can be made early in October, so that about 100,000 dollars can be advanced on the 15th of that month, but I shall not be able to ascertain the fact until a day or two after the next instalment shall be paid. At all events I shall use my best endeavors to accomplish the wishes of the Governor, and write to you fully on the subject on the 3d or 4th of October.

With great respect,

I am, dear sir,

Your obedient servant,

E. CHAUNCEY, Cash'r.

Hon. C. Blythe, Secretary of the Commonwealth, Harrisburg, Pa.

Bank of Pennsylvania,

1st October, 1828.

Dear Sir—The account of the Commonwealth in this bank has this day been credited one hundred and forty-one thousand, one hundred and fifty-one dollars (say \$141,151), being the amount of instalment due this day, of the loan of two millions of dollars, which the Governor agreed to take from this bank, under the authority of the act of assembly passed the 24th of March last.

For this instalment I request to be furnished with a certificate of the five per cent. stock of 1828, for the sum of 141,151 dollars in the name of this bank, bearing interest from this day, as early as convenience will permit.

With great respect,

I am dear sir,

Your obedient servant,

E. CHAUNCEY, Cash'r.

Hon. Calvin Blythe, Sec'y of the Commonwealth, Harrisburg, Penna.

Bank of Pennsylvania,

6th October, 1828.

Dear Sir—It is with much regret I have to inform you that the hope expressed in my letter of the 22d ultimo has not been realized, and that I cannot as yet give an assurance that even \$100,000 can be advanced, in anticipation of the future instalments of the loan of this year.

On the 1st inst. I informed that the payment of \$141,151 for the 3d instalment had been made, and I requested a certificate of the stock of 1828 to be furnished as soon as your convenience would permit.

I was under an impression that an order would be immediately sent to the commissioner of loans to issue the certificate; and that the bank from it would be able, on this day, to make transfers to those persons who are to receive the stock from the bank, some of the persons are very anxious to have their certificates for the purpose of sending them to England by the packet of the 8th inst., and in that case they would have been enabled to draw and sell their bills on England, and thus provide funds so as to make a further payment on the 15th inst., in anticipation of subsequent instalments, agreeably to the request in your letter of the 16th ult. This expected arrangement is now defeated, for as I have not received the certificate for 141,151 dollars, as requested, the bank cannot make any transfers before the sailing of the packet on the 8th inst.

From a letter received this day from the auditor general, I infer that he expects to issue the certificate to the bank for \$141,151; and that before it can be issued, it will be necessary that the commissioner of loans shall inform him of the date and number it must have.

This delay causes some disappointment and inconvenience to those persons to whom the stock is to be transferred.

With great respect,

I am dear sir,

Your obedient servant,

E. CHAUNCEY, Cash'r.

Hon. C. Blythe, Secretary of the Commonwealth, Harrisburg,
Penna.

Bank of Pennsylvania, 8th October, 1828.

Dear Sir—I find that I can obtain an advance of 50,000 dollars certainly, and it may be of 100,000 dollars on the 15th instant, in anticipation of the subsequent instalments on the loan of 1828. By such payment each subsequent instalment will be proportionally diminished.

Will you have the goodness sir, to favor me by return of mail, with direction whether or not so small a sum as 50,000 dollars shall be received on that day?

Permit me to suggest, that if it shall accord with the views of the governor to instruct me to receive, and deposit to the credit of the commonwealth, at any time during October or November, any sum not less than \$10,000 in anticipation of the future instalments of the loan of 1828. I think it is most probable that the full sum of 200,000 dollars would be received

during those two months, beyond the regular instalment payable on the 1st proximo.

With great respect,

I am sir, your obedient servant.

E. CHAUNCEY, Cashier.

Honorable C. Blythe, Secretary of State.

Secretary's Office,

Harrisburg, 10th October, 1828.

Dear Sir—In reply to your letter of the 8th instant, the Governor has instructed me to inform you, that he accepts of the 50,000 dollars proposed to be advanced by the bank of Pennsylvania, in anticipation of the future instalments, of the loan of 1828, and requests that it be deposited to the credit of the commonwealth in the bank of Pennsylvania on the 15th of this month. And in case one hundred thousand dollars can be advanced and deposited as above on that day, it shall be accepted, and in case no more than \$50,000 can be advanced on the 15th instant, the governor instructs me to inform you that he will accept of the additional \$50,000 to be deposited as you propose, in sums not less than 10,000 dollars during this and next month. I shall apprise you, shortly after the 15th inst., whether more than the 100,000 dollars will be wanted.

Very respectfully,

Your obedient servant,

C. BLYTHE.

E. Chauncey, Esq., Cashier of the Bank of Pennsylvania.

Bank of Pennsylvania, 15th October, 1828.

Dear Sir—The account of the commonwealth in this bank, has been this day credited sixty-five thousand four hundred and four dollars (say 65,404), on account of the loan of two millions of dollars, which was agreed to be taken from this bank under the act of assembly passed the 24th of March last.

This payment has been made agreeably to the request in your letter of the 10th instant, in anticipation of the remaining instalments; so that the sum payable at each subsequent instalment will be 124,800 dollars.

Permit me to request that for this payment I may be furnished with a certificate for 65,404 dollars, of the five per cent.

stock of 1828, bearing interest from this date, in the name of this bank.

I am dear sir,

Most respectfully your ob't serv't.,

E. CHAUNCEY, Cashier.

Honourable Calvin Blythe, Secretary of the Commonwealth,
Harrisburg, Pennsylvania.

Secretary's Office,

Harrisburg, 17th Oct., 1828.

Dear Sir—I received your letter of the 15th inst. informing that sixty-five thousand four hundred and four dollars was deposited in the Pennsylvania bank, to the credit of the commonwealth on the 15th inst., in anticipation of the future monthly instalments of the loan of 1828.

I have now by the direction of the Governor to request, that if practicable, you should advance at as early a day as possible, in anticipation of the future monthly instalments, of the loan of 1828, the further sum of one hundred and thirty-four thousand five hundred and ninety-six dollars; if fifty or one hundred thousand dollars, of this sum can be advanced by the bank during this month, it will be very advantageous, if not absolutely necessary to the due progress of the work on the canal.

If the money cannot otherwise be procured, let it be deposited in sums of ten thousand dollars, as suggested by you.

Very respectfully,

Your obedient servant,

C. BLYTHE.

E. Chauncey, Esq., Cashier of the bank of Pennsylvania.

Bank of Pennsylvania, 1st November, 1828.

Dear Sir—The account of the commonwealth in this bank has this day been credited one hundred twenty-four thousand eight hundred dollars (say 124,800 dollars), being the instalment due this day on the loan of two millions of dollars taken from this bank under the act of assembly passed the 24th March last.

For this payment I request to be furnished with a certificate of the five per cent. stock of 1828, in the name of this bank, bearing interest from this date.

With great respect,

I am dear sir, your ob't serv't.,

E. CHAUNCEY, Cashier.

Hon. C. Blythe, Esq., Secretary of the commonwealth, Harrisburg, Pennsylvania.

Bank of Pennsylvania, 8th November, 1828.

Dear Sir—The account of the commonwealth in this bank has this day been credited ten thousand dollars (say 10,000 dollars), on account of the loan of two million of dollars obtained under the act of 24th March last.

This payment has been made in conformity to instructions in your letter of the 10th and 17th ultimo, and it is applied in anticipation of so much of the instalment payable on the first of December next;—so that the instalment payable on that day will be reduced from \$124,800 to \$114,800.

For this payment I request to be furnished with a certificate for ten thousand dollars of the five per cent. stock of 1828, bearing interest from this date, in the name of this bank.

I am, dear sir,

Most respectfully your ob't serv't.,

E. CHAUNCEY, Cashier.

Honorable Calvin Blythe, Secretary of the Commonwealth,
Harrisburg, Pennsylvania.

Secretary's Office,

Harrisburg, November 12th, 1828.

E. Chauncey, Esq.:

Sir—I am instructed by the Governor to enquire of you, whether the Pennsylvania bank can advance ninety-two thousand dollars, on account of the instalments of the loan of 1828, to the commonwealth, payable on the first days of January and February next, to be proportioned between those two instalments, and to be applied to the payment of drafts now held by the Pennsylvania branch bank of this place.

The branch bank now holds, I understand, to the amount of sixty-six thousand dollars, payable out of the December instalment, and to the amount of twenty-six thousand dollars payable out of the January instalment. It would considerably facilitate the canal operations if those drafts could now be paid by advancing on account of the January and February instalments.

Very respectfully,

Your obt. servant,

C. BLYTHE.

Secretary's Office,

21st November, 1828.

Sir—I am instructed by the Governor to inquire of you, whether the bank of Pennsylvania can advance to the commonwealth for canal purposes, the balance of the two last instal-

ments of the loan of 1828, which were made payable on the first days of January and February, one thousand eight hundred and twenty-nine, amounting to one hundred and fifty-two thousand six hundred dollars. Sixty-five thousand dollars of this sum will be wanted immediately, to meet present demands upon the treasury, and the remainder to be paid when called for.

The Governor wishes to receive the above information, as early as your convenience will permit.

I am very respectfully,

Your friend,

JAMES TRIMBLE,

Deputy Secretary.

To Elihu Chauncey, Cashr. of the bank of Pennsylvania,
Philadelphia.

Bank of Pennsylvania,

19th November, 1828.

Dear Sir—In accordance with the request of the Governor, as conveyed in your letter of the 12th inst., this bank has this day placed to the credit of the commonwealth, the sum of ninety-seven thousand dollars, it being in anticipation of the instalments due in January and February, on the two million loan of 1828. By this payment those two instalments will be reduced each from 124,800 dollars, to \$76,300.

For this payment I must request to be furnished with a certificate for 97,000 dollars, of the five per cent. stock of 1828, in the name of this bank, bearing interest from this date.

I am dear sir,

Most respectfully,

Your obt. servt.,

E. CHAUNCEY, Cashier.

Hon. Calvin Blythe, Sec'ry of the commonwealth, Harrisburg,
Penn.

Bank of Pennsylvania,

1st December, 1828.

Sir—The account of the commonwealth in this bank, has this day been credited one hundred fourteen thousand eight hundred dollars, (say \$114,800), being the instalment due this day on the loan of two millions of dollars, taken from this bank under the act of assembly, passed the 24th of March last.

For the amount of this payment, I respectfully request to be furnished with a certificate of the five per cent. stock of 1828, in the name of this bank, bearing interest from this date.

With much respect,

I am sir,

Your obedient servant,

E. CHAUNCEY, Cashier.

Hon. Calvin Blythe, Secretary of the Commonwealth, Harrisburg, Pennsylvania.

Philadelphia, 1st December, 1828.

Sir—I regret that as yet I have not been instructed to comply with the Governor's request, as communicated in your esteemed favor of 21st ultimo.

Your letter was submitted to the board on Wednesday last, but the state of the bank did not then appear to the directors so favorable as to justify an advance of so large a sum of money, and the subject was postponed until Saturday. At the meeting on Saturday, it was again postponed, for the same reason until Wednesday next.

I indulge the hope, sir, that the concerns of the bank, will be somewhat improved in a few days, and that the directors will then think it safe and proper to advance to the commonwealth, at least a part of the remaining instalments.

I am sir, most respectfully,

Your obedient servant,

ELIHU CHAUNCEY.

James Trimble, Esq., Deputy Secretary of State, Harrisburg, Pennsylvania.

Bank of Pennsylvania,

3d December, 1828.

Sir—The account of the commonwealth in this bank has this day been credited seventy-six thousand three hundred dollars (say 76,300), in anticipation of, and in full of the instalment which was payable on the 1st day of January next, on the loan of 1828.

For this payment, I respectfully request to be furnished with a certificate for 76,300 dollars of the five per cent. stock of 1828, in the name of this bank, bearing interest from this day.

I am sir, most respectfully,

Your obedient servant,

E. CHAUNCEY, Cashier.

Hon. Calvin Blythe, Esq., Harrisburg, Pennsylvania.

Bank of Pennsylvania,

3d December, 1828.

Dear Sir—The account of the commonwealth has been credited seventy-six thousand three hundred dollars (say \$76,300), in anticipation, and in full of the instalment on the loan of 1828, which by agreement was made payable on the first day of January next.

For this payment, I respectfully request to be furnished with a certificate for \$76,300 of the five per cent. stock of 1828, in the name of this bank, bearing interest from this day.

I am dear sir,

Most respectfully,

Your obedient servant,

E. CHAUNCEY, Cashier.

Hon. Alexander Mahon, State Treasurer, Harrisburg, Penn.

APPOINTMENT OF A COMMISSIONER OF LOANS.

Secretary's Office,

Harrisburg, June 21, 1828.

Sir—Accompanying this is a commission issued by the Governor, appointing you under the authority of an act of the Legislature, passed in April last—Commissioner of Loans.

The second section of the act authorizing a temporary loan, authorizes the Governor to appoint the president of the bank of Pennsylvania, or some other fit person to be a commissioner of loans, with authority to issue and sign certificates of such stock pertaining to the loans of this commonwealth, as may be transferred at said bank, under such arrangement with said bank as may be satisfactory to the Governor.

The foregoing is a copy of the law above referred to, so far as it relates to the appointment.

Accompanying this you have the arrangements agreeably to which the Governor, on consultation with the Auditor General and State Treasurer, considers it necessary the commission should be executed.

The Governor requests that you will inform him as soon as convenient, whether you can accept the appointment.

Very respectfully,

Your obedient servant,

C. BLYTHE,

Secretary of the Commonwealth.

Jos. P. Norris,

Mr. Norris having declined, Mr. Chauncey, was appointed Commissioner of Loans, as will appear in the correspondence on the subject of the two millions loan.

The commissioner of loans will have to procure certificate books of the stock of 1821, 1824, 1825, 1826, 1827, and 1828. All transfers will have to be made at the bank of Pennsylvania, and all new certificates issued by the commissioner of loans. To enable the accountant department to keep the books pertaining to the stock loans of the commonwealth, the commissioner of loans will be required to transmit to the Auditor General on the first day of each month, a separate statement of all transfers of the stock of each year, which shall have been made during the preceding month, except the month of July and January, the statements will be required to be transmitted on the 24th of the month to afford the Auditor General the necessary time to make up a list of the holders of stock, and the amount of interest due to each, and transmit it to the bank of Pennsylvania prior to the first day of August, and February, on which days the interest is payable. The statements must give the numbers, date, amount, and name of the holder of the original certificates and the number, date, amount, and name of the holder of each new certificate issued, and be certified by the commissioner to be a correct statement of the original certificates which have been cancelled, and of the new certificates issued by him during said period.

The certificates which have been issued by the Auditor General and State Treasurer, after being cancelled are to be transmitted to the Auditor General, to be put into the books from which they were issued. Certificates issued by the commissioner of loans after being cancelled are to be put into the books in his office, from which they were issued.

The commissioner is also requested to inform the Auditor General of the time he will be prepared to issue

certificates, after which time no certificates will be issued by the Auditor General and State Treasurer, and the commissioner will be furnished by the Auditor General with the number of the last certificates of the stock of each year, which have been issued, that the numbers may be regularly continued by him.

J. ANDREW SHULZE.

To the Assembly Transmitting Certain Resolutions
of the Board of Canal Commissioners.

Gentlemen,

I HAVE THE HONOR OF TRANSMITTING A copy of certain resolutions adopted by the board of the canal commissioners, at present at the seat of government, respecting the funds to carry on the improvements of the commonwealth. The board is impressed with the opinion, that a permanent loan of eight hundred thousand dollars, would be required as soon as the same can be effected. A temporary loan will be wanted, before a permanent loan may be obtained, and to meet present or immediate wants, the legislature is requested to make use of so much of the money in the treasury as can conveniently be spared, without embarrassing its operation, and to be refunded either out of the temporary or permanent loan, as the legislature may think proper to direct.

J. ANDW. SHULZE.

Harrisburg, December 9, 1828.

At a meeting of the canal commissioners of Pennsylvania, on the 8th of December, 1828, it was

Resolved, That for the purpose of providing funds necessary to continue the canals now under contract, it be recommended that a permanent loan of eight hundred thousand dollars be negotiated as soon as practicable.

Resolved, That in order to meet the wants of the improvements, before the said permanent loan can be arranged, it be further recommended, that so much of the balance now in the treasury of the commonwealth as can conveniently be spared, be temporarily transferred to the treasury of the canal, and that the governor be further authorised to obtain a temporary loan for such additional amount as may be necessary, such temporary advances to be repaid at the pleasure of the governor, at any time before the first day of June next.

Proclamation of Reward for the Apprehension of
James Morris, colored, charged with the Murder
of Allen Kell, of Chester County.

Pennsylvania ss.

[Signed] J. Andw. Shulze.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By J. ANDREW SHULZE, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas, I have received an authentic copy of an Inquest taken at Willistown in the township of Willistown in the County of Chester in this Commonwealth, before Walker Yarnell, Esquire, a Justice of the peace of the said County, and other authentic documents, by which it appears that James Morris and William Shruve (Coloured Men) stand charged with having feloniously murdered a certain Allen Kell, late of the said County of Chester, on the night of the twenty-second day of December last; and that the said William Shruve is in

custody, but the said James Morris has fled from justice, and is going at large, and all efforts to arrest him by the officers of justice, and others, have hitherto proved ineffectual: And Whereas, the reputation of the government, the peace and security of its citizens, and the obligations of justice and humanity require, that the perpetrator of an offence so heinous should be brought to speedy and condign punishment. I have therefore thought it proper to issue this proclamation, hereby offering a reward of fifty dollars to any person or persons who shall apprehend the said James Morris within the County of Chester and secure him in the jail of the said County; and the sum of one hundred dollars if the said offender shall be apprehended and secured in the jail of any other County of this Commonwealth, or if he shall be apprehended and secured without the limits of this State, which sum or sums are to be paid on the conviction of the perpetrator of the crime aforesaid: And all Judges, Justices, Sheriffs, Coroners, Constables, and other officers within this Commonwealth, are hereby required and enjoined to be attentive and vigilant in inquiring after and bringing to justice the perpetrator of the crime aforesaid.

Given under my hand and the Great Seal of the State, at Harrisburg, this twenty-second day of January, in the year of our Lord one thousand eight hundred and twenty-nine, and of the Commonwealth the fifty-third.

By the Governor.

C. Blythe,

Secretary of the Commonwealth.

Morris's common dress was a round-about of brown flannel of domestic manufacture, checkered, and pantaloons of the same. He had also a blue coat and pantaloons, new fur hat, a light great coat with capes, and plaid cloak. His stature is about five feet ten inches; he is a dark Mullato, or light negro, and has the initial I. M. pricked on the left arm; is about 30 years of age

and has lost some of his fore teeth. A short time after the crime was committed, he was supposed to be concealed in the neighborhood of Aston, or Concord, Delaware County.

To the Assembly Transmitting the List of Taxable
Inhabitants, Slaves and Deaf and Dumb.

Gentlemen,

I HAVE DIRECTED THE SECRETARY OF THE Commonwealth to lay before you a list of all the taxable inhabitants and slaves, as also a list of the deaf and dumb within this commonwealth; agreeably to the act, entitled "An act to provide for the enumeration of the taxable inhabitants and slaves within this commonwealth," passed January the 6th, 1821, and its supplement, passed March 26, 1822.

J. ANDW. SHULZE.

Harrisburg, February 17, 1829.

List of the taxable inhabitants, slaves, and deaf and dumb persons in the several counties of the commonwealth of Pennsylvania, from the returns to the Governor, by the Commissioners of the respective counties, in the year 1828.

Counties.	Taxables.	Deaf and dumb.	Slaves.
Adams,	4,192	11	8
Allegheny,	10,236	24	1
Armstrong,	3,257	.....	.....
Beaver,	4,208	.....	.....
Bedford,	4,442	.....	.....
Bradford,	3,365	.....	.....
Berks,	10,202	11	2
Bucks,	9,076	21	3
Butler,	2,810	.....	.....
Chester,	10,231	14	7
Cumberland,	5,342	25	14
Columbia,	3,521	4	.....
Centre,	3,618	11	.....
Clearfield,	892	4	.....
Crawford,	3,034	.....	.....
Cambria,	1,144	4	.....
Delaware,	3,633	2	1
Dauphin,	4,602	9	.....
Erie,	2,867	.....	.....
Franklin,	6,095	.....	.....
Fayette,	5,897	11	9
Greene,	3,144	6	5
Huntingdon,	5,009	12	2
Indiana,	2,732	4	.....
Jefferson,	356	3	1
Lancaster,	14,991	17	4
Lebanon,	3,563	3	1
Lehigh,	4,321	20	.....
Luzerne,	4,482	.....	.....
Lycoming,	3,081	.....	.....

List—Continued.

Counties.	Taxables.	Deaf and dumb.	Slaves.
M'Kean,	307	.....	.....
Montgomery,	8,242	17	.....
Mifflin,	4,199	6	1
Mercer,	3,490	1	.....
Northampton,	7,382	9	.....
Northumberland,	3,581	.....	.....
Philadelphia city, 16,542			
Deaf and dumb taxa- bles, 14			
	16,556	97	1
Philadelphia county, . 20,739			
Deaf and dumb taxa- bles, 11			
	20,750	27	5
Pike,	892	2	.....
Perry,	2,980	5	.....
*Potter, .....	.....	.....	.....
Somerset,	3,340	.....	.....
Susquehanna,	2,594	2	.....
Schuylkill,	2,715	10	2
Tioga,	1,635	3	.....
Union,	3,772	3	.....
Venango,	1,930	12	.....
Warren,	920	.....	.....
Washington,	8,134	10	5
Westmoreland,	6,516	26	4
Wayne,	1,381	.....	.....
York,	8,526	22	3
	254,182	468	79

*Not received.

To the Assembly Transmitting the Annual Report of the Adjutant General, with a Return of the Militia and of Ordnance, Camp Equipage and Military Stores.

Gentlemen,

I HAVE DIRECTED THE SECRETARY OF THE Commonwealth to lay before the legislature a copy of a letter from the adjutant general of Pennsylvania, together with a copy of a return of the militia; and also the return of ordnance, camp equipage and military stores, the property of the commonwealth, deposited in the state arsenals and in the several brigades.

J. ANDW. SHULZE.

Harrisburg, March 5, 1829.

Adjutant General's Office,
Lancaster, February 20, 1829.

His Excellency J. Andw. Shulze, Governor of Pennsylvania:

Sir—I have the honor to present to you, to be submitted to the legislature, the enclosed detailed report of the militia of the state, particularly designating the number of militia in each brigade and regiment, and the number and description of volunteer corps attached to the same respectively; and also a return of the ordnance, camp equipage and military stores in the several arsenals, with the state and condition thereof. By this report it will be seen, that in the state there are 142 regiments, exclusive of 78 battalions and 34 companies, comprising the following force, viz:

Governor and commander in chief,	1	
Major Generals,	16	
Brigadier Generals,	32	
Adjutant General,	1	
Staff of general officers,	157	
		207
Infantry, militia, including officers,		144,628
40 troops volunteer cavalry,	2,047	
46 companies of volunteer artillery,	3,068	
285 companies of volunteer infantry,	17,677	
168 companies of volunteer riflemen,	10,114	
		32,906
Making the grand total,		177,741

Much difficulty has occurred in collecting the returns of the several brigades. Whether the annual report required by law; for the year 1828, should be made by the brigade inspectors whose commissions expired in August last, or by the brigade inspectors elect, was a question on which much difference of opinion seemed to exist. And in some instances, where the new brigade inspector was willing to make the return he could not do it, as his predecessor had not delivered over the papers appertaining to the office. Owing to these causes, several of the returns could not be procured until within the last few days; and some of them, as will appear in my detailed report, have not yet been received, and the strength, &c., of the brigade had to be taken from the last year's return. For the same reasons, it is evident that the returns of public property in many of the brigades must be very deficient.

Believing it to be of much importance that the number of militia as well as the number and kind of volunteers in the state, should be accurately ascertained and returned, and that the number and true condition of the muskets, rifles and other public property in the several brigades, should be correctly reported; as much loss has been occasioned to the state by the negligence of this duty, I have prepared a circular letter on the subject, to the brigade inspectors elect, together with the necessary forms, for the discharge of their duty, with convenience to themselves and advantage to the public, which I hope will have a beneficial effect. And if the instructions therein contained shall be attended to, a much more correct report may be made for the year 1829 than I have yet had it in my power to do.

The contracts for the repair of all the muskets in the state arsenals at Philadelphia and Harrisburg, considered worth repairing, have been completed. Directions have been given for the repair of the arsenals so as to prepare them for the reception of the quota of arms to which the state is now entitled from the general government. The receipt of this property has been purposely delayed by me, until the ordnance department of the United States would be prepared to supply a just proportion of it in cannon, for which many of the artillery companies in the state have been long and patiently waiting. A letter lately received from Col. Bomford states, that the iron six pounders heretofore received at the United States arsenal, near Pittsburg (which, as will appear by my last year's report, were recalled, being found not to answer), will be exchanged, on being returned to that arsenal—a suf-

ficient number of a new and different pattern being now manufactured there. From this letter I am induced to believe that any additional number of pieces of artillery, which may be wanted in the western part of the state, may be obtained, in the course of the ensuing spring. But in reply to my request, to have ten pieces of artillery delivered at Philadelphia, Col. Bomford states that he regrets to say it cannot at present be done; that the requisitions for artillery have been so unusually large for some time past that the department has not been able to meet all of them; but he presumes what I want "may be completed and delivered early in the ensuing summer."

I intend, during the next week, to visit the war department, for the purpose of making arrangements relative to the delivery of this property, and obtaining the requisite information, so that your excellency may designate the kind of arms and number of each description, which may be deemed necessary and proper for the military service of the commonwealth, to be received from the United States' government. At which time I hope to have a definite and final understanding with respect to the old rifles in the Philadelphia arsenal, which, in the settlement lately made with the United States, are to be returned to them; but the condition in which they are, and an anxiety on my part to save the expense of cleaning and repairing them, have as yet prevented the exchange of them and the other public property, as specified in that settlement. I am also anxious to obtain an order for better rifles than those which have heretofore been offered to us, and hope that I may be able to obtain it. After my return a more particular report on this subject will be made to you.

I cannot close this report without repeating what I have remarked on at length, in former reports, viz: that encouragement ought to be given to volunteers; and especially, such is the expense to which the members of companies of artillery and cavalry are subject, that some provision ought to be made for their assistance. Frequent applications have also been made to me, to supply companies of cavalry with swords and pistols, with which it is not in my power to comply, as the law makes no provision for so doing. It is well worthy of consideration whether these articles should not be supplied to volunteer cavalry, restricting the issue to not more than two companies in each brigade. As companies of artillery, infantry and riflemen, are now provided for, no good reason seems to exist for excluding cavalry from a similar benefit.

No expense would be incurred to the state, as swords and pistols, at a fair valuation or price, can be received in lieu of muskets, as part of the quota to which the state is entitled from the United States. The number of muskets to which the state is now entitled must exceed 16,000. The precise number cannot be given, as the apportionment for the last two years has not been made, or if made, I have not been notified of it. This would enable us to receive all the pieces of artillery, rifles, swords and pistols which would be required, besides leaving a large number of muskets for future use.

In order to ensure the delivery of arms, &c., of the best manufacture, from the United States arsenals, near Pittsburg and Philadelphia, when the whole quota is to be received, it will be necessary that the keepers of the state arsenals or the Adjutant General, should visit these arsenals. The reasonable expense of which, to be settled by the accountant officers, should be provided for by law.

With sentiments of much respect,

Your obedient servant,

G. B. PORTER,
Adj. Gen. Pa.

To the Assembly Transmitting the Census of Potter
County.

Gentlemen:

IN CONFORMITY TO THE ACTS OF JANUARY 6th and March 26th, 1821, the commissioners of the several counties of this commonwealth are required to transmit to the Governor a list of the taxable persons every seventh year, under their hands and seals of office, containing a just and true account of the names, surnames and occupation of every taxable person of the age of twenty-one years and upwards; which returns and certificates the Governor shall lay before the General Assembly then in session. Agreeably to this duty, required by these acts, I have directed the Secretary of the Commonwealth to lay the return made

by the commissioners of Potter county of their taxable inhabitants before the General Assembly now in session.

J. ANDW. SHULZE.

Harrisburg, April 1, 1829.

To the Assembly Vetoing "An Act Relative to the Pennsylvania Canal and Railroad."

Gentlemen,

THE BILL ENTITLED "AN ACT RELATIVE TO the Pennsylvania canal and rail-road" has, since it was presented to me, engaged my serious attention and deliberation. The result is, that I feel an imperative obligation to return it, with objections, to the House of Representatives, where it originated.

This commonwealth may be considered as pledged to prosecute with energy the scheme of internal improvement. She has commenced with a laudable spirit of enterprise, and a wise conception of her policy and interest; but while she is liberal in appropriating to its execution her resources, she looks to us, her servants, for a judicious and economical application of them. And she is right in thus holding us responsible. Acting upon this recognised right on the one hand, and responsibility on the other, should we not in authorising loans upon her credit and for her use, have a watchful care that we do not exceed the amount, which, calculating from the largest expenditure of former years, will be amply sufficient to meet the demand of the present, and by that means avoid the payment of unnecessary interest upon an unnecessarily large principal. The last season was particularly favourable for constructing public works, and the sum required did not far exceed two millions; it is therefore not

probable that a sum much exceeding the loan of last year will be necessary the present season, for all the purposes of spirited and vigorous operations. If, in your wisdom, you should deem it proper in re-considering this bill, so to modify it as to make the loan for the present year two millions two hundred thousand dollars, it will, be assured, gentlemen, afford me great pleasure to unite and co-operate with you.

J. ANDW. SHULZE.

Harrisburg, April 20, 1829.

Proclamation of Reward for the Apprehension of Thomas Stevan and James Fury, charged with the Murder of William Dugan.

Pennsylvania ss.

[Signed] J. Andw. Shulze.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By J. ANDREW SHULZE, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas, from information contained in certain authentic documents now produced to me it appears that Thomas Stevan and James Fury, Labourers, late of the County of Perry, are charged with having feloniously murdered a certain William Dugan, late of the said County of Perry, in the evening of the eighteenth instant, and that the said James Fury is in custody, but the said

Thomas Stevan has fled from justice, and is going at large, and all efforts to arrest him by the officers of justice, and others, have hitherto proved ineffectual: And whereas the reputation of the government, the peace and security of its citizens, and the obligations of justice and humanity require, that the perpetrators of an offence so heinous should be brought to speedy and condign punishment: I have therefore thought it proper to issue this proclamation, hereby offering a reward of fifty dollars to any person or persons who shall apprehend the said Thomas Stevan within the county of Perry and secure him in the jail of the said county; and the sum of one hundred dollars if the offender shall be apprehended and secured in the jail of any other county of this Commonwealth; or if he shall be apprehended and secured without the limits of this State; which sum or sums are to be paid on the conviction of the perpetrator of the crime aforesaid. And all Judges, Justices, Sheriffs, Coroners, Constables, and other officers within this Commonwealth are hereby required and enjoined to be attentive and vigilant in inquiring after and bringing to justice the alledged perpetrator of the crime aforesaid.

Given under my hand and the Great Seal of the State, at Harrisburg, this twenty-fifth day of May in the year of our Lord one thousand eight hundred and twenty-nine, and of the Commonwealth the fifty-third.

By the Governor.

C. Blythe, Sec'y of the Com'th.

Thomas Stevan is about twenty-two or twenty-three years of age, stout made, of fair complexion, is a good scholar, and speaks the English language free from the Irish Idiom, and is marked by having had three of the fingers of his right hand badly bruised three or four days before the commission of the said murder.

Proclamation of Reward for the Apprehension of
Hugh Scantling, charged with the Murder of one
Martz, of Berks County.

Pennsylvania ss.

[Signed] J. Andw. Shulze.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By J. ANDREW SHULZE, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas, I have received authentic information that a certain Hugh Scantling, late of the County of Berks, stands charged with having feloniously murdered a certain —

Martz, late of the said county, and having fled from justice, all efforts to arrest him by the officers of justice and others have hitherto proved ineffectual: And Whereas the reputation of the government, the peace and security of its citizens, and the obligations of justice and humanity require, that the perpetrators of an offence so heinous should be brought to speedy and condign punishment, I have therefore thought it proper to issue this proclamation hereby offering a reward of fifty dollars to any person or persons who shall apprehend the said Hugh Scantling within the county of Berks and secure him in the jail of the said county; and the sum of one hundred dollars if the said offender shall be apprehended and secured in the jail of any other county of this Commonwealth; or if he shall be apprehended and secured without the limits of this State, which sum or sums are to be paid on the conviction of the perpetrator of the crime aforesaid.

Given under my hand and the Great Seal of the State, at Harrisburg, this ninth day of October in the year of our Lord one thousand eight hundred and twenty-nine, and of the Commonwealth the fifty-fourth.

By the Governor.

C. Blythe, Sec'y of the Com'th.

Hugh Scantling is about five feet nine inches in height, stout, but not a fat person, his face very red, indicating a habitual indulgence in the use of strong drink, his hair a chestnut brown; had on at the time of committing the murder a blue coat with snuff-colored pantaloons, a white hat, and a waistcoat of Mar-seilles, or buff, figured with large flowers, his whole dress rather shabby, his age from appearance supposed to be about thirty-three or thirty-five years.

Proclamation convoking the General Assembly in Extra Session for the Consideration of Matters pertaining to the Pennsylvania Canal and Railroad.

Pennsylvania ss.

[Signed] J. Andw. Shulze.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By J. ANDREW SHULZE, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas, by an act of the General Assembly of this Commonwealth, passed the twenty-second day of April last, entitled "An act relative to the Pennsylvania Canal and Railroad," the Governor is authorised to borrow on the

credit of the Commonwealth, two millions and two hundred thousand dollars, to be expended in the construction of the Pennsylvania Canal and Rail Road, and to be reimbursed at any time after twenty-five years, from the first day of December next. And whereas, by the same act the Governor is authorized to negotiate temporary loans for such sums as should be necessary previous to the negociation of the permanent loan, to be repaid out of the permanent loan aforesaid, within six months from the passage of said Act; and the failure to obtain on permanent loan the sums required, having made it necessary to obtain on temporary loan a large portion of the sum authorized to be borrowed, which temporary loans, agreeably to the provisions of the said act, will become payable on the twenty-second day of this month, and the Commissioner of Loans having reported to me that only a part of the permanent loan has been obtained, and it appearing to be very improbable that the residue will be obtained in time to meet the engagements relative to the repayment of the temporary loans, I have deemed it expedient to convene the General Assembly, with as little delay as possible, to the intent, that on this extraordinary occasion the Legislature may have an opportunity, at an early day, of adopting such measures as shall be thought necessary to the fulfillment of the engagements which have been entered into on the part of the state under the sanction of its laws.

Therefore, and by virtue of the authority to me in such case given, in and by the Constitution of the Commonwealth, I have issued this proclamation, hereby convening the General Assembly to hold a session on Tuesday, the third day of November next, at the State Capitol, at Harrisburg, and of which time and place of convening, all persons therein concerned are required to take notice.

Given under my hand and the Great Seal of the State, at Harrisburg, this fifteenth day of October, in the year of our Lord one thousand eight hundred and twenty-nine, and of the Commonwealth the fifty-fourth.

By the Governor.

C. Blythe, Secretary of the Commonwealth.

A summons to accompany the Governor's proclamation for convening the General Assembly in extra session for the consideration of matters pertaining to the Pennsylvania Canal and Rail-road.

Pennsylvania ss.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. By J. ANDREW SHULZE, Governor of the said Commonwealth.

To of the county

Member of the of the General Assembly of Pennsylvania, Greeting:

Whereas, I have deemed it expedient by virtue of the power which the Constitution vests in the Executive Magistrate of the Commonwealth, to issue a Proclamation convening the General Assembly, at the State Capitol, at the Borough of Harrisburg, on the third day of November next, for the purposes in the said Proclamation particularly set forth and declared: Now know, that you the said are hereby summoned and required to attend the extraordinary session of the General Assembly, to be holden at the time and place aforesaid, then and there in conjunction with the other Members of the Legislature, to devise and perform all such lawful matters and things as shall be for the public weal and benefit. And herein (laying

aside all other avocations and pursuits) fail not, as you respect the high trust which the people have reposed in you.

Given under my hand and the Lesser Seal of the State, at Harrisburg, this fifteenth day of October, in the year of our Lord one thousand eight hundred and twenty-nine, and of the Commonwealth the fifty-fourth.

By the Governor.

C. Blythe, Sec'y of the Com'th.

A letter of instructions to the prothonotaries of the several counties, to accompany the Governor's proclamation for convening the General Assembly in extra session for the consideration of matters pertaining to the Pennsylvania Canal and Rail-road, and the summons to the members of the Assembly to attend the said extra session.

Secretary's Office.

Harrisburg, October 10th, 1829.

....., Esq.,

Prothonotary of county.

Sir:—

By the direction of the Governor, I have forwarded to you the enclosed Proclamation and blank Summons; as there would not be time to give the necessary notice after the election, and before the day fixed for the meeting of the General Assembly, the Governor has directed me to forward to each of the Prothonotaries, a Proclamation and Summons in blank previous to the election. The Proclamation bears date on the fifteenth instant; immediately after that date you will please cause it to be published as extensively as possible. As soon, too, as you learn the names of the members of the Senate and House of Representatives elected to represent your county or district, you will please fill up the Summons with the names of the Senators and members of the House of Representatives, and cause one to be

served on each Senator and Member with as little delay as possible, together with a copy of the Proclamation. You will please procure the person who serves the Summons to make affidavit of the service, and forward the affidavit on a copy of the Summons to me by mail, previous to the 3rd November.

I have also to request that you will acknowledge the receipt of this communication, and of the accompanying Proclamation and Summons, as soon as received.

Very respectfully,

Your obedient servant,

C. Blythe.

Proclamation of the Election of Peter Ihrle, junior,
and Samuel A. Smith as Representatives of Pennsylvania in the United States Congress.

Pennsylvania ss.

[Signed] J. Andw. Shulze.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. By J. ANDREW SHULZE, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas, by returns duly made by the judges of the special elections held on the second Tuesday being the thirteenth day of the present month, in the eighth congressional district of this Commonwealth, composed of the counties of Bucks, Northampton, Pike and Wayne, in pursuance of writs issued by me under the authority

of an act of the General Assembly, passed the eighteenth day of February, in the year one thousand eight hundred and five, it appears that Peter Ihrie, Junior, and Samuel A. Smith were duly elected in and for the said eighth congressional district, composed of the counties aforesaid, as representatives of this State in the House of Representatives of the United States, in the room of Samuel D. Ingham and George Wolf, Esquires, who have resigned their seats in the said House of Representatives: And Whereas, in and by one other act of the General Assembly, passed the second day of April, in the year one thousand eight hundred and twenty-two, it is made the duty of the Governor, on the receipt of the returns of such election, to declare by proclamation the name or names of the person or persons to him returned as duly elected in each respective district: Now therefore, I have issued this proclamation, hereby publishing and declaring that the said Peter Ihrie, Jun'r., and Samuel A. Smith are duly elected and chosen as representatives of this State in the House of Representatives in the Congress of the United States, during the time for which the said Samuel D. Ingham and George Wolf were elected to serve.

Given under my hand and the Great Seal of the State. at Harrisburg, this twenty-sixth of October, in the year of our Lord one thousand eight hundred and twenty-nine, and of the Commonwealth the fifty-fourth.

By the Governor.

C. Blythe, Sec'y of the Com'th.

Annual Message to the Assembly—1829.

Fellow Citizens:

IN OBEDIENCE TO THE AUTHORITY VESTED in the governor by the tenth section of the 1st article of the constitution of Pennsylvania, I have deemed it my duty to convene you at this early day.

A principal reason why you have been thus convened, was set forth in the Proclamation, under which you have assembled, in order that the subject, which would demand your earliest attention, might previously so occupy your thoughts, that you would come to the seat of government with all the information required, and be prepared to act with as little delay as possible. The pecuniary concerns, the income and expenditure of the Commonwealth, its debts and credits at all times subjects of deep interest, become particularly and imperatively subjected to the closest examination, and call for the most enlightened legislation and disposition, at a time when her engagements in great public works, as yet comparatively unproductive, demand an extension of her credit, and require that ample provision be made for the payment of the interest on the sums she shall borrow. All the documents and correspondence in connexion with this important topic, shall be submitted to the Legislature. In the fall of 1828, the Board of Canal Commissioners, in their report to the Legislature, recommended that a loan should be made of three millions of dollars, to meet the estimated expenditure of the year 1829. By the act of December 18th, 1828, the governor was authorized to obtain a loan of 800,000 dollars, which sum was immediately obtained. By the act of April 22d, 1829, a further loan of 2,200,000 dollars was authorised, and the appointment of a commissioner of loans to reside in Philadelphia. The appointment was promptly made, and the commissioner entered upon the performance of the duties assigned him, of obtaining the money required, on the terms authorised by law. The same act empowered the govern to obtain, as a temporary loan, so much money as should be found necessary to prosecute the public works until the contemplated more permanent loan should be negotiated. The amount to be borrowed by the governor, it was provided by law, should be

paid within six months after the passage of the act of April 22d, 1829, from the monies which it was expected would be obtained, under the same act, by the commissioner of loans. The whole amount of monies obtained, as a more permanent loan, by the Commissioner, is 779,123 88 dollars; the balance of \$2,200,000, which the legislature authorised to be borrowed, has been made up of temporary loans procured by the governor. At an earlier period than the present, the amount of the loans obtained by the governor was greater than it now is, while the sum obtained by the Commissioner was proportionably less than that here stated; the former amount being reduced by payment as rapidly as the latter was obtained. The whole correspondence on this subject accompanies the present message; if any explanations are required they will promptly and cheerfully be given. It is expected, that among the earliest acts of the Legislature, will be the making provision to pay off that portion of the loan, the payment of which became due on the 22d of the last month.

The Canal Commissioners, by a resolution of the third of October, requested that an additional temporary loan of 196,000 dollars beyond the loan authorised by the act of 22d April last, "relative to the Pennsylvania Canal and Rail-road" should be negotiated to be applied to certain designated divisions of the canal and rail-road. In accordance with the request in that resolution, I have obtained \$106,000, and placed it in the hands of the Commissioners of the internal improvement fund, to be applied to the divisions of the Canal and Rail-road, designated in the resolution of the Board of Canal Commissioners. This loan has been negotiated on the same terms with the other temporary loans. The necessity of continuing the operations upon the canal and rail-road, and in some instances of securing the works against the danger of serious injury during the approaching winter, will I trust render the pro-

priety of this measure sufficiently apparent. I therefore submit it to the Legislature to provide for the payment of this loan, together with the other temporary loans. The correspondence with the banks, making this loan, will be submitted to the Legislature, from which will be seen the terms upon which it has been negotiated and the time of its repayment.

The money obtained under the act of April 22d, 1829, would have been amply sufficient to meet all the demands of the Canal Commissioners to the present time, if the vouchers and consequent drafts in the Treasury, of some of the acting Canal Commissioners in June last, had not greatly exceeded what had been usual or was expected. The reasons why the proposed loan failed, have been variously stated, and appear to have originated from such diversified and remote causes, that the detail would be unproductive of advantage. How far the restrictions as to the rate of interest, or the particular mode directed by law for disposing of the loan operated on the money lenders, it might be desirable to ascertain if it were only to solve the problem, that the canal stock of a neighboring state commands a premium abroad, while that of this, no less wealthy Commonwealth, is in no demand and will not sell at par. Has the provision, that the amount of the loan, not subscribed for at a given time, should be put up at public auction, and the fact that it was so put up and did not obtain even a bid, had any, and if any, what extent of influence on the credit of the state? It may here be proper to state, that no doubt is entertained, that whatever funds shall be required to complete the canals and rail-roads under contract, can be had on the most favorable terms, if the resources of the Commonwealth shall be made to flow into the Treasury in such abundance as shall inspire perfect confidence in the lender that his interest will at all times be punctually paid, at the times for that purpose regularly

fixed. No duty is more imperative or pressing on the general assembly, than that which is here adverted to. It would be unjust as well as impolitic, not to acknowledge the friendly dispositions manifested by many of our monied institutions, in their efforts to obtain the sums wanted to enable the Board of Canal Commissioners to prosecute the work entrusted to their care, so successfully as to have now 177 miles of Canal in actual operation, viz. 75 miles from Pittsburg to Blairsville; 41 miles from Lewistown to the mouth of the Juniata; 37 miles from Northumberland to the Juniata river; and 24 miles from the mouth of that River to Middletown, are believed to be in complete navigable order except the aqueduct at the Juniata. The routes now in operation were so far finished under the late Board of Canal Commissioners, that the present Board had the gratification of early having them filled with water and ascertaining that the banks and excavations, the locks and bridges, were of such solidity and workmanship, that the boats performed their trips without delay or difficulty other than such as appertain to the best executed works of such magnitude. The expectation is still confidently entertained, that early in the next summer there will not be less than 400 miles of the Pennsylvania Canal in full operation. When to this extent of inland navigation is added that which is afforded by the Schuylkill and Lehigh canals, we have much cause to be proud of the public spirited exertions of our constituted authorities and fellow citizens, and to hope that prosperity and wealth will flow in upon us abundantly, to stimulate our industry to the utmost, and bring to market the mineral and metallic treasures which are now buried and useless. The completion of the Chesapeake and Delaware Canal is an event of too much moment not to call forth our liveliest congratulations.

The report of the Board of Canal Commissioners and

of the Directors of the Schuylkill and Lehigh navigation companies, will place before the Legislature all the facts necessary to a thorough understanding of the present condition of our canals and rail roads. The present opportunity is embraced to suggest the appointment of a board of Commissioners to superintend the turnpike roads and bridges, in which the state holds stock, or to devolve that duty, with their other duties, on the Board of Canal Commissioners.—The turnpike roads form an important branch of the improvements which have been undertaken in our state. They have been constructed to incorporated companies, aided in many instances by the state. The funds placed at the disposal of these companies have very frequently proved unequal to their expenditures. Debts have consequently been contracted in the construction of the roads. These works when completed, although of immense value to the country, have rarely proved profitable to those who have advanced the money expended in their construction. The consequence has been that Stockholders and creditors have been alike sufferers. The tolls which should form a source from which means should be derived for the repair and improvement of the roads, have been diverted by the urgent demands of creditors, from their legitimate objects, to the neglect in many instances of both repairs and improvements. The public works in which the state is now engaged will enhance instead of diminishing the importance of these roads. If our canals should cause an increased trade to spring up within, or to pass through the state, the value of good roads, so essential in facilitating the communication of those concerned in the conduct of the trade, will become more obvious. I submit it therefore to the wisdom of the legislature whether means can be devised by which the state might contribute not only with justice, but advantage, something towards the relief of those who have employed their money or their labour in the construction

of these roads, and who have been compelled to look in vain to the profit to be derived from them when completed, for a recompense. If by contributing to the relief of these companies from debt, the state could secure the means necessary to the repair and improvement of the roads, a great object would be gained. The state as a stockholder in common with individual stockholders, is deeply interested in rendering these roads profitable, but she is perhaps more deeply interested in rendering them, by a high state of improvement, safe and convenient channels of communication.

The experience which has been purchased, will enable the Legislature to adopt the true course of policy which should be laid down, for the future government of the board of canal commissioners. If it shall have been ascertained, that in consequence of the great extent of work undertaken by the state, that the price of labourer's wages, become double what it had been at the outset of the work, and that the wiser source would have been to have directed all our energies and resources to the completion of a particular route—such as that which is to connect our eastern and western waters, rather than to have extended our lines of communication, over the whole surface of the state, then will the present General Assembly take such measures as shall ensure the completion of our most important routes, so that money from tolls, shall be brought into the public Treasury to meet the public exigencies. The check caused by the failure of the late loan, will impose upon the Legislature, a deliberate reconsideration of all that has been done in relation to internal improvement. That such a reconsideration will produce wise measures and happy consequences hardly admits of a doubt.

An application may be expected from the stockholders for a renewal of the charter of the Bank of Pennsylvania. The large amount of stock in that institution

owned by the state, will, what ever objections may be urged, require that no step in relation to it, shall be taken, except upon mature advisement. If the General Assembly shall regard this investment of the public money as a profitable one, and regard the Bank with a favourable eye in reference to granting it a new charter, a close revision of the one it now enjoys, will come fairly under consideration, and also, the introduction into it of such modifications as experience may suggest, as likely to issue in advantage to the community.

Applications for divorces to the Legislature become every year more numerous, and of necessity consume in the investigation of the concerns of individuals a large portion of that time, which might profitably be bestowed on the business of the public. In some cases it is feared, that application is made to the legislature and acted upon without sufficient evidence that the party complained against has been duly notified of the application intended. Would not all the ends of justice likely to be obtained by the granting of divorces be more certainly attained, if the jurisdiction of our courts were more extended over them, and the causes of divorce more fully defined than at present.

If I am not much misinformed as to the operation of the laws which now regulate the relations between Landlords and Tenants, they loudly call for the benefits of revision and consolidation.—This is more especially the case in our cities and large towns, where a large proportion of the houses are rented? I recommend in an especial manner that a prompt and cheap remedy be devised, by which Tenants shall be compelled to surrender up possession when required so to do, at the end of the period for which the premises shall have been demised. The Act of the 25th of March, 1825, which was intended to remedy this evil in the city and county of Philadelphia, is complained of as almost

wholly inoperative, as the Tenant must voluntarily have removed from the premises, before the Landlord can have a writ of possession issued. How far the peculiar powers vested in landlords for the securing of their rents is founded in justice, or derived from the ancient laws of England, and adopted without sufficient examination, is a matter not unworthy to occupy a portion of the time of the General Assembly.

There are some subjects of deep and general importance which press upon the mind of the Governor, and which he has more than once submitted to the Representatives of the people, but which have not yet commanded that portion of Legislative consideration to which he thinks them entitled. To some of these topics he would even now in a few words solicit attention. There is no provision in our truly excellent constitution of a more imperative character, than that which declares, that "the Legislature shall, as soon as conveniently may be, provide by law for the establishment of schools in such manner that the poor may be taught gratis." Have such schools been established? I think not, and thus thinking, I again call it to memory, and urge it upon you as a duty, the performance of which will do you honour, and shower down blessings on the Commonwealth.

The "free and equal" exercise of the right of suffrage is secured by the constitution to every qualified citizen, but it is much doubted whether provision has been made by law to make good that which is guaranteed by the constitution. The construction of the qualification requisite is different in one county, and even in one township of the same county, from what it is in another. The neglect or design of an assessor or tax collector may exclude a citizen from the poll in one district, although it will not exclude him in another. Some legislative enactment making more clear the duties of election officers, and ensuring greater uni-

formity in their decisions, would do much towards ensuring the correct exercise of this precious right..

The right to bear arms, is another important right guaranteed to all our citizens by the constitution. The right thus guaranteed, seems to me, to impose upon the Legislature the duty of so organizing and disciplining the whole body of the citizens, that they shall be able, not only to bear arms, but to use them with confidence and skill, "in defence of themselves and the States," if such a necessity shall arise. I think, therefore, every encouragement should be given to our volunteer corps. Let the Legislature not forget that the great body of the people, their constituents, constitute the militia, and claim that such a law may be passed as shall make them what they ought to be, the pride and strength of their country, and its sure defenders against oppression at home, or invasion from abroad.

The important of giving publicity with as little delay as possible, to the decisions of the Supreme court, is sufficiently obvious. It seems to be considered that the profits to be derived from the publication of reports of decisions, will hardly compensate for the labor and expense to be incurred in preparing and publishing them. I would, therefore, recommend, that provision be made by law for the employment of a reporter. By a small tax on writs of error, which could not operate oppressively on any one, a fund might be provided for the payment of the reporter.

About to retire from the important office to which I was called, and in which I have been continued by a large majority of my fellow citizens, I should but ill acquite myself to my own feelings, did I not seize upon the present, probably the last occasion which may offer, to reiterate the gratitude I have ever felt for the honour conferred, and protest, in justice to myself, that I have in all things, according to my best judgment, conscientiously and diligently laboured to advance the welfare,

and promote the happiness of those by whom I have thus been honoured, and to increase the prosperity of my native state. I shall not now subject myself to animadversion, if I venture a suggestion in relation to the accommodation and dignity of the future Chief Magistrates of Pennsylvania. I am persuaded that the adoption of the suggestion about to be offered, would be of much advantage, not only in his relations and intercourse with the Legislature, but in the prompt and easy access it would afford him to the public offices of the several heads of department, thus facilitating his means and improving his opportunities to take care that the laws shall be faithfully executed. Many of our sister states have erected government houses adjacent to their legislative halls, for their Chief Magistrate to reside in. The Commonwealth of Pennsylvania has built elegant and capacious legislative halls, and commodious public offices, near which are several suitable and noble sites on which to erect a house for the Governor of the commonwealth, in which it should be made his duty to reside, at least during the sitting of the General Assembly. I would recommend that provision be made for the erection of such an edifice.

Until my successor shall be constitutionally called to the Governor's chair, it will give me sincere pleasure heartily to co-operate with you in all such measures as shall promise to benefit our constituents and our country. When I shall retire to private life, I will carry with me a grateful heart, and an anxious desire so to manifest its feelings, as to contribute to the general weal. I fervently pray that Great and Beneficent Being, who has done such marvellous things in behalf of our highly favoured country, may still continue to watch over and protect us. To you my fellow-citizens, collectively and individually, I wish health and happiness.

J..ANDREW SHULZE.

Harrisburg, November 4th, 1829.

To the Assembly with regard to the Canal System.

Gentlemen:

I HAVE THE HONOR OF TRANSMITTING TO you, a copy of certain resolutions, adopted by the board of canal commissioners, together with a condensed statement of the reports of the acting canal commissioners and superintendents, respecting the amounts due on their respective lines; as also the probable estimate of the amount wanted to meet the demands on said lines, to the second day of January next.

J. ANDW. SHULZE.

Harrisburg, November 7, 1829.

Canal Commissioners' Room,
October 6, 1829.

Resolved, That the acting canal commissioners and superintendents be directed to report to the president of this board, on or before the 25th of the present month, the amount then due on their respective lines, and an estimate of the additional amount that will probably be wanted to meet the demands on said lines, to the second day of January next.

Resolved, That the president of the board be requested to communicate to the Governor, as soon after the 25th inst. as practicable, a condensed statement of the reports of the acting canal commissioners and superintendents, made in conformity with the above resolution.

Extract from the Journal.

FRS. R. SHUNK, Secretary.

His Excellency Gov. Shulze:

Sir—I have the honor of communicating to your excellency, the annexed condensed statement of the report of the acting canal commissioners and superintendents, made to me, in obedience to the first preceding resolution.

Very respectfully, sir,

Your obedient servant,

DAVID SCOTT,

President B. C. C. Penn'a.

Wilkesbarre, Nov. 2, 1829.

Delaware Division. Amount due 15th		
October, 1829,	\$91,669 23	
Probable amount which will be wanted		
from this date up to the 2d January		
next,	110,000 00	
	<hr/>	\$201,669 23
Eastern Division. Amount due 23d Oc-		
tober,	\$26,666 00	
Probable amount up to 2d January		
next,	90,000 00	
	<hr/>	116,666 00
Susquehanna and West Branch Division.		
Amount due 21st October,	\$75,499 00	
Retained per centage due in Novem-		
ber and December,	15,286 00	
Probable amount up to 2d January		
next,	77,000 00	
	<hr/>	167,785 00
North Branch Division. Amount due		
20th October,	\$107,754 66	
Probable amount up to 2d Jan'y next,	91,570 00	
	<hr/>	199,324 66
Juniata Division. Amount due 22d Octo-		
ber,	\$112,000 00	
Retained per centage on old line,	45,000 00	
Final estimates on old line,	15,000 00	
Repairs and labors yet to be done on		
old line,	18,000 00	
Estimate on new line, November 1,....	40,000 00	
Do. December 1,....	45,000 00	
Do. January 1, 1830,.	50,000 00	
	<hr/>	\$325,000 00
Deduct cash on hand,	25,000 00	
	<hr/>	300,000 00
Western Division. Amount due 23d Oc-		
tober,	\$130,000 00	
Probable amount up to 2d January		
next,	120,000 00	
	<hr/>	250,000 00
French Creek Feeder. Amount due 15th		
October,	\$28,519 92	
Probable amount up to 2d January		
next,	18,054 58	
	<hr/>	46,574 50

Pennsylvania Rail Road. Amount due	
21st October,	\$7,453 07
Retained per centage due by 2d January next,	7,593 00
Probable amount up to 2d January next,	45,000 00
	<hr/>
	-60,046 07
	<hr/>
	\$1,342,065 46

Total aggregate amount now due, and which will probably be wanted to meet the engagements of the state, up to the second day of January, 1830, one million three hundred forty-two thousand sixty-five dollars and forty-six cents.

To the Assembly with Resolutions of the Missouri and Georgia Legislatures on the Question of Government Aid to Negro Colonization and the Mode of Electing the President and Vice President; also Resolutions of the Mississippi Legislature Commending the Traiff of Eighteen Hundred and Twenty-Eight.

Gentlemen:

I HAVE DIRECTED THE SECRETARY OF THE Commonwealth to lay before you, a copy of a letter from the governor of the state of Missouri, together with copies of certain resolutions passed by the legislature of that state, on a report and resolutions of the state of Georgia, relating to the power of the General Government to appropriate monies to aid the American Colonization Society; and also, copies of resolutions adopted on the subject of amending the constitution of the United States, respecting the mode of electing the President and Vice President, without the intervention of electors.

I have also directed to be laid before you, copies of a letter from the Governor of the state of Mississippi, together with certain resolutions adopted by the legislature of that state, relating to the Tariff of 1828.

J. ANDW. SHULZE.

Harrisburg, November 9, 1829.

Executive Department,
City of Jefferson, 20th August, 1829.

Sir—In compliance with the request of the General Assembly of Missouri, made at the last session thereof, I have the honor, herewith, to enclose you a report and resolutions, adopted by that body, on a report and resolutions of the Legislature of Georgia; and also resolutions adopted on the subject of amending the constitution of the United States; and have to request that you be pleased to lay the same before the legislature of the state, over which you have the honor to preside, for their consideration.

I have the honor to be,

Most respectfully, sir,

Your obedient servant,

JOHN MILLER.

His Excellency the Governor of Pennsylvania.

Report adopted by the General Assembly of the State of Missouri, on a report and resolution of the Legislature of Georgia.

The joint committee to whom were referred, a report and a resolution of the Senate and House of Representatives of the state of Georgia, approved December the twenty-seventh, eighteen hundred and twenty-seven; declaring that the Congress of the United States have no constitutional power to appropriate monies to aid the American Colonization Society—
Report:

That in the doctrines, sentiments and opinion expressed and held by that report, they, for the most part, concur; and that the principles avowed by the resolution in question, meet their decided approbation. Your committee insist, that the government of the United States is a government of limited powers; that no powers can be rightfully and constitutionally exercised by that government, unless it be those which are expressly granted, or those plainly implied by such express grants of power. And they further contend, that Congress

has no power to appropriate money, for any object, unless it be to carry into effect some one of the powers so expressly, or impliedly granted. This power is not expressly granted, and this committee can find no clause in the constitution of the United States, from which such a power can be implied. They cannot conceive that it is within the meaning, spirit or reason of any provision of that instrument. If the exercise of the power in question, be claimed on the ground that Congress can appropriate the public funds for any purpose whatever, as is claimed by some politicians, then this committee enter their solemn protest against such an exercise of power, and unhesitatingly pronounce it to be a political heresy, deserving the severest reprobation. If this latitudinous doctrine be true, then our pretending to have a written constitution is a mere mockery; and much more strange is it, that ours should be considered a limited form of government. This committee cannot suppose, however, that the exercise of the power in question is based upon such a ground. While indulging in conjecture as to the clause of the constitution upon which the advocates of this measure, rely, the committee have supposed it possible, that as the first clause of the eighth section of the first article of the constitution, is considered as affording power to effect the purpose of every latitudinarian, when he can find no other clause upon which to rest himself, that this is the part of the constitution now resorted to. This section provides "That Congress shall have power, first, to levy and collect taxes, duties, imposts and excises; to pay the debts and provide for the common defence and general welfare of the United States; but all duties and excises shall be uniform throughout the United States." Now, if the words, "general welfare," afford the power in question, then it affords power to do any act which, in the opinion of a majority of Congress, would promote the general welfare; and if this doctrine be correct, then all the other parts of the constitution, which declare the power that Congress shall possess, are worse than useless. If there be any room for construction as to this clause, we cannot suppose that these words were intended to mean more than to give Congress full and complete power over the subjects in that clause mentioned. It seems to the committee, that no other construction can be given to the words in question, without giving to Congress almost unlimited power. Your committee entirely concur in the report made to the legislature of Georgia, when it said, "That if the question of power is to

be determined by construction, it is manifest on the face of the constitution itself, that the convention intended to prohibit Congress from the exercise of such power;" for if the view before taken, does not prove this position to be correct, that portion of the constitution which apportions representation and taxation, and distinctly recognises the right of property in that description of population upon which the exercise of this power is intended to operate, clearly shews that no power was given to Congress, to interfere with this species of property. It is very far from the wish of this committee, to attempt to restrict in any manner, the efforts of individuals in support of that society; it is to the interference of government to which they object. They seriously apprehend that if this step be taken, the next proposition will be, that government shall take the colony under its protection; and then it will be urged, that Congress should appropriate money for the purpose of purchasing slaves, liberating and transporting them to that colony. They are not unmindful of the progress of public sentiment on this subject; nor will they conceal the fact, that in proportion to the exertions and sensibility which the citizens of the slave-holding states have manifested towards free people of color and to this society, have the demands of the advocates of this measure increased. Believing that Congress have not the power in question, wishing to preserve harmony throughout the Union—and desiring to avoid the angry passions, which a subject of so much delicacy would excite; the committee recommend the adoption of the following resolutions:

Resolved by the Senate and House of Representatives of the state of Missouri, That in their opinion, the Congress of the United States has no power to appropriate monies to aid the American Colonization Society.

And be it further resolved, That copies of the above report and resolution be forwarded to our Senators and Representatives in Congress, with a request that if any attempt be made to exercise such a power, they lay them before the two Houses of Congress.

And be it further resolved, That a copy of the above report and resolutions be forwarded to the Governor of each state of the Union, with a request that the same be laid before the legislature thereof.

Resolutions adopted by the General Assembly of the state of Missouri, on the subject of amending the Constituion of the United States.

Resolved by the General Assembly of the state of Missouri, That it is expedient to amend the Constitution of the United States, so as to provide a uniform mode of electing the President and Vice President, throughout the several states, and to give to the people of the United States, the privilege of voting directly for the President and Vice President, without the intervention of electors; reserving to the states respectively, their due weight in relation to the said election, as is now guaranteed to them by the Constitution of the United States; and that the elecion of President and Vice President, should in no case whatever, be submitted to the decision of the House of Representatives of the United States.

And be it further Resolved, That a copy of the above resolution be forwarded to each of our Senators and Representatives in Congress, and they are hereby requested to make use of their best endeavors, to procure an amendment to the Constitution of the United States, which will embrace principles contained in the foregoing resolutions. And that the executive of this state be requested to forward a copy of the foregoing resolutions, to the Executive of each state, with a request that they lay them before their respective legislatures.

A Resolution adopted by the state of Mississippi.

Resolved by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, That the Tariff of eighteen hundred and twenty-eight, is contrary to the spirit of the Constitution of the United States, impolitic and oppressive in its operation on the southern states, and ought to be resisted by all constitutional means.

And be it further resolved, That our Senators in Congress be instructed, and our representatives requested, to use their best exertions to effect a revision or repeal of the present Tariff; and in the event of failing therein, to cause to be entered on the Journals of each House of Congress, their solemn protest.

And be it further resolved, That his Excellency the Governor, be requested to transmit copies of the above report and resolutions to the Governors of the several states, with a request to have them laid before the legislatures of the states respectively.

Executive Department,
Jackson, Mississippi, 10th October, 1829.

Sir—In compliance with the request of the General Assembly of Mississippi, made at the last session thereof, I have the honor to forward to your Excellency, a copy of a resolution adopted by that body, in relation to the Tariff of 1828, and have to request that you will please to lay the same before the legislature of the state over which you preside, for their consideration.

I have the honor to be

Most respectfully,

Your obedient servant,

GERARD C. BRANDON.

His Excellency the Governor of Pennsylvania.

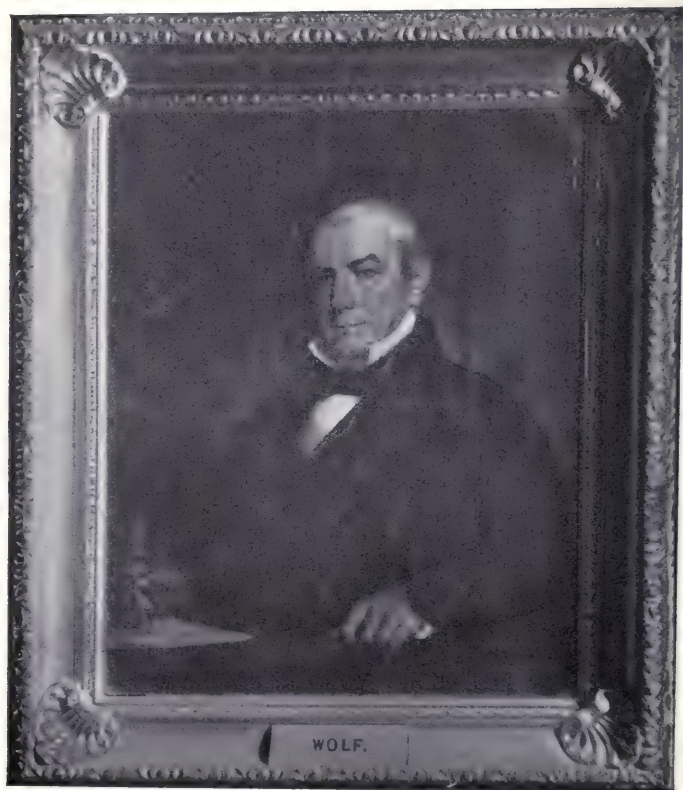
To the Assembly Concerning a Loan to the State.

Gentlemen—

A GREEABLY TO THE RESOLUTION PASSED by the legislature the seventh of this month, to ascertain from the monied institutions and individuals that have taken the temporary loan, authorised by the act of 22d of April, 1829, whether they will consent to continue the said temporary loans by them respectively made, for a further period of time. The requisite inquiries have been made, and answers have been received from all these institutions and individuals, except from the Franklin Fire Insurance company. Copies are made out of the whole correspondence, and I have the honor herewith to transmit them to the legislature.

J. ANDW. SHULZE.

Harrisburg, November 28th, 1829.



Georg

GEORGE WOLF.
Governor of the Common-
wealth.
1829-1835.



Chapter IV.

GEORGE WOLF.

Governor of the Commonwealth,

1829-1835.

A GAIN THE STALWART GERMAN BLOOD OF the immigrants, whose coming created so much alarm among certain citizens of the proprietary period, appears in the executive chair. George Wolf, born of German parentage in Northampton county in 1777, received an excellent classical education and acted for a time as principal of the academy in Allen township, his birthplace.

His official life began as clerk in the office of the Prothonotary of Northampton county. Thomas Jefferson appointed him postmaster at Easton and Governor McKean made him Clerk of the Orphans' Court of Northampton county. In 1814 he was elected to the Legislature and in 1815 he was an unsuccessful candidate for the Senate. In 1824 and 1826 he was elected to Congress without opposition, while in 1828, he was also elected with a very large majority over his opponent.

At this time the old party lines were disappearing and new ones had not as yet arisen in their place. The question of secret societies had assumed an importance altogether unwarranted by the facts, and the opposition to freemasonry had crystallized in the formation of a political party—the Anti-Masonic party, which had practically wiped out the old Federalist party.

Mr. Wolf was nominated by the Republicans, but so strong was the anti-masonic feeling that he was elected the first time by only seventeen thousand out of two hundred thousand votes, while the second time his vote exceeded that of Mr. Ritner, his opponent, by but three thousand.

Governor Wolf's administration was embarrassed by a legacy of financial troubles bequeathed by his predecessor in connection with the transportation problem. He boldly grasped the question, carried the improvements on to completion, and saw financial success crown his measures. His administration, however, is especially noteworthy for the complete establishment of a common school system throughout the state, and by fixing the principle of state aid to educational institutions, which has accomplished so much toward the formation and elevation of the superb school system of the Commonwealth.

Governor Wolf was the first executive to occupy an office in the capitol, where he was always accessible and where his duties were effectively performed in a manner as unassuming as efficient.

He was a candidate for the Governship for a third time but owing to a split in the party by which a large vote was thrown to Henry A. Muhlenberg, both were defeated and Joseph Ritner elected. In the following year, 1836, however, he was appointed Comptroller of the Treasury by President Jackson, a position which he vacated upon his appointment two years later as Collector of the Port of Philadelphia, which in turn he vacated by death in 1840. He was Governor from December 15, 1829 to December 15, 1835.

Proclamation of the Election of George Wolf as Governor of the Commonwealth, and Continuing Officers in Place for Six Months.

Pennsylvania ss.

[Signed] J. Andw. Shulze.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. By GEORGE WOLF, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas the Speaker of the Senate and the Speaker of the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, have duly certified that the said Speaker of the Senate did on the eighth day of December instant in the Chamber of the House of Representatives in the State Capitol at Harrisburg, open and publish the returns of the late election of a Governor of the said Commonwealth, in the presence of the members of both Houses of the Legislature, conformably to the Constitution of the said Commonwealth; and that upon counting the votes by a teller appointed on the part of each House, it appeared that George Wolf had a majority of votes: Whereupon the said George Wolf was declared to have been duly elected Governor of the said Commonwealth, and having first taken the oaths of office, was accordingly on this fifteenth day of December proclaimed Governor thereof.

Now in pursuance of the power and trust to the Governor of this Commonwealth by the Constitution and laws granted and confided, and for preventing all fail-

ures in the administration of justice, I the said George Wolf have deemed it expedient to issue this proclamation hereby confirming and continuing all appointments made and all commissions heretofore lawfully issued for the term of six months from the date of these presents, unless the said appointments and commissions shall be sooner superseded and annulled.

And I do further direct and enjoin all public officers engaged in the several departments of the Government to proceed with diligence and fidelity in the performance and execution of their respective stations, so as most effectually to promote and secure the interest, peace and safety of the Commonwealth.

Given under my hand and the Great Seal of the State at Harrisburg the fifteenth day of December in the year of our Lord one thousand eight hundred and twenty-nine, and of the Commonwealth the fifty-fourth.

By the Governor.

Sam. McKean.

Secretary of the Commonwealth.

Inaugural Address to the Assembly—1829.

Fellow Citizens:

IN ASSUMING UPON MYSELF THE EXECUTION of the important trust, which by the suffrages of my fellow citizens has been confided to me, I avail myself of this solemn occasion, thus publicly, to express to those citizens my grateful acknowledgments for their unmerited kindness, so freely and so signally bestowed, and to assure them of the anxious solicitude I shall ever feel, for their welfare and happiness, and of my unceasing endeavours, whilst in their service, to merit in some measure this distinguished mark of their confidence.

If in the course of the frequent vicissitudes and changes inseparable from our elective form of government, but salutary and essential to the preservation of its purity and the faithful administration of its concerns, the wisest and most experienced of our citizens, when called to discharge its highest functions, have not failed to evince those sensations of diffidence and self distrust which the magnitude and difficulty of the trust inspired; what feelings of despondency and fearful anxiety must not be awakened in the breast of him, one of the humblest of your citizens, who is about to enter upon the same arduous duties, under circumstances at once adverse, intricate and embarrassing, who can lay no claim to other than the ordinary endowments of nature, and who cannot fail to be peculiarly conscious of his own deficiencies and imperfections.

But, if notwithstanding all the discouraging circumstances by which I feel myself surrounded, an honest zeal for the public good; if an ardent desire to promote the general welfare and happiness of the people; if an assiduous and untiring devotion to the advancement of their best interests; and if an unwearied industry in the faithful discharge of official duties, can in any measure compensate for the absence of those accomplishments and attainments, so necessary and desirable in the character of a chief magistrate, of a great and growing commonwealth, or will in some degree justify the choice which its citizens have made, I trust I may be permitted to say, without incurring the imputation either of vanity or presumption, that such shall not be wanting on my part.

That in the discharge of the various and complicated duties which have been assigned to me, I shall often err, admits of no doubt, to be exempt from error is not the lot of frail humanity, voluntary errors will not be committed; for such as are involuntary, and result from the weakness and imperfection of our nature, I

shall bespeak the indulgence and forbearance of my fellow citizens, firmly relying on their candor, intelligence and discrimination, to ascribe them to the proper source.

In administering the affairs of the government, the constitutions of this state and of the union, which in your presence I have this day solemnly sworn to support will be my guides. The immutable principles of justice and of equal rights, on which they are based, will be zealously guarded and maintained. The powers vested in the executive branch of the government, by the constitution, will be exercised with that caution and discretion which their importance demands, and so as in no case to transcend the limits prescribed by that instrument. All laws, the execution of which falls within the scope of executive duties, will be carried into effect in such manner, as to ensure equal and exact justice to all.

The republican maxims, that the people are the source of all political power; that governments are instituted for their benefit; that those who administer them are their servants, bound to obey their will, so far as that will can be distinctly known or ascertained; accountable to them for all their official acts, and responsible to them for all wilful omissions of duty, have been, and will continue to be cherished by me.

In the distribution of the executive patronage, the most delicate, and certainly the least desirable of all its operations, the public good alone will be consulted; selfish considerations will be repudiated and rejected. Offices have been established by the constitution and laws of the commonwealth, for the accommodation and convenience of the people, and to aid in carrying into effect the operations of the government in all its various ramifications and details. Sinecures never were contemplated either by the framers of the constitution or the legislature; no individual, therefore, can expect

to be appointed to an office of trust or profit, until he shall have established a character for moral integrity, industry, sobriety and a capacity to discharge his official duties personally and without a reliance on others. Justice to the public, as well as the moral character of the state itself, demand a rigid adherence to this rule, and it is earnestly hoped and expected, that every good citizens of the commonwealth, will contribute his aid to carry it into complete operation and effect. He who has been dishonest in his private transactions, or has proved unfaithful in the matter of a private trust, can have no claim to public confidence; it would be inequitable and unjust, that the idle and incompetent individual should be suffered to pocket the emoluments of an office, the duties of which he has neither the capacity nor the inclination to perform, whilst the competent industrious citizen, who would discharge its duties with honor to himself and advantage to the public, is doomed to be overlooked and neglected. Sound morality as well as public policy require, that the ruinous and desolating sin of intemperance should be discountenanced and rooted out of society; not encouraged by the bestowal of places of trust and profit on its votaries. It is manifest from the very nature and design of our civil institutions, that those to whom any part of the public business is entrusted, should be such as will make it their business, not only thoroughly to understand their duty, but who will, also, industriously and faithfully attend to its performance.

To maintain relations with the general government and those of our sister states, at once friendly and conciliatory, will be my constant aim; to sustain the former in all its measures, tending to promote the general welfare, as it will be my duty, so also will it accord with my inclination and best wishes; should encroachments unhappily be made by either, on the rights of

the state or any of its citizens, they will be resisted in a manner becoming the dignity of a great and independent sovereignty.

With regard to the great question of internal improvement (about which there seems to be some diversity of opinion, and upon which it may be expected that I should express my own,) whether considered in reference to the powers of the general government, to aid in constructing works of internal improvement of a national character by the appropriation of money for such objects; or in reference to the policy of this state, in constructing useful and necessary works of improvement within its own limits, at its own expense, and under the immediate supervision and control of its constituted authorities, I can truly say, that I have never doubted the former, and that nothing has yet transpired to induce me to question the latter.

That Pennsylvania, patriotic, enlightened and prosperous, blessed with a constitution securing to her citizens the highest privileges man is destined to enjoy upon the earth; containing a population, intelligent, industrious and enterprising, and possessing a soil capable of the highest possible state of cultivation rich in her agricultural, her manufacturing and mineral productions is destined, at no remote period, by a wise course of legislation and a skilful husbanding of her resources, to become, as from her local position and the physical advantages she so pre-eminently enjoys, she of right ought to be, the brightest star in our political galaxy, can scarcely admit of a doubt. First in the march of internal improvement, Pennsylvania will be the last to recede from a system which promises so much, and from which, by pursuing a judicious and prudent course of policy, there is so little to fear. A system of internal improvement progressive in its character, advancing towards its final consummation steadily but surely, conducted skilfully and on principle of

prudence and economy, not suffered in its course to outstrip the credit, or to impair the public confidence in the fiscal operations of the state, ought in my opinion, to form a prominent feature in our state policy.

The internal wealth and resources of the state, consisting of agricultural productions, which may be increased to an incalculable extent; of iron ore and coal, anthracite and bituminous, imbedded in our hills and our vallies almost without limit and without stint besides a variety of other valuable productions which are constantly developing themselves, cannot be made available to their possessors or to add to the general wealth and prosperity of the community, without the aid of such artificial communications, as will facilitate their transportation and conveyance from the places where they are produced or deposited, to such points and places where they may be profitably converted and disposed of to the uses for which God and Nature have designed them. But to open such communications must be the work of time. To enable our citizens to reap the golden harvest, anticipated, we must not suffer our impatience to force us into measures which in the end may greatly retard, if not entirely defeat the object we have so much at heart—by attempting too much we shall only embarrass our operations and protract the accomplishment of our designs. The credit of the state and the public confidence in its ability to meet its engagements must keep pace with the spirit of improvement to ensure it success; should these fail, the system itself must sink—against such a state of things it is our duty to guard. As a real friend to a system of internal improvement such as I have described; as one to whom the character as well as the prosperity of the state, and the comforts and conveniencies of all its citizens cannot fail to be subjects of the deepest solicitude and concern, I would take occasion respectfully to suggest, whether we would not be more likely

to ensure success to the system itself, by confining, for the present, all our energies as well as all the means of the state to the works already commenced, and to the gradual extension of such as require to be extended to answer their original design, or to render them useful and profitable to the public; thereby ensuring their speedy completion and securing to the treasury an additional source of revenue which will relieve it from embarrassment, inspire confidence in its resources and give a new impetus to the public mind and feeling in favor of commencing and conducting to successful completion, hereafter, other important objects of enterprise and public utility.

To aid, encourage, and protect agriculture, commerce, and manufactures, the three important branches of our national industry, as well as the great sources of wealth and prosperity to our citizens, and I may add, of real independence to our common country, are powers to be exercised exclusively by Congress, and with that care and caution which shall secure to the one, equal advantages with the other. It cannot be denied, however, that the latter branch of our industry, and which is of vital importance to the people of Pennsylvania, is still in a great measure in its infancy, and requires the artificial stimulus of legislation, to bring it to that state of perfection in which it may take its rank in point of prosperity with, and contribute to the successful advancement of the other two. It is believed that the late act of Congress, "in alteration of the several acts, imposing duties on imports" has gone far to produce the result desired. The efficacy of the provisions of the act just mentioned to give vigor and permanency to our manufacturing establishments, will soon be fully tested, and should the experiment made, be found inadequate to attain the end desired, we may safely confide in that august body, within whose province the subject rests, that the proper

remedy will be applied. The talents and enlightened patriotism, too, of the delegation representing this state in the national legislature, give ample assurance, that the honor of the state and the true interests of its citizens, have been deposited in safe hands, and that they will neither be compromised nor neglected. That the protecting system will continue to be cherished by the mass of our citizens, who cannot fail to perceive that on the permanency of that course of policy, their best interests will materially depend, can scarcely admit of a doubt; and so long as the people continue to cherish the system, there will be little cause to fear, that their representatives will run counter to it. Although the legislatures of the different states can exercise no immediate control over this important and deeply interest subject; yet the expression of its opinions and views by the legislature of a state to the Congress of the United States, in relation to the great measures of national policy depending before that body, will not fail to command a respectful attention, and be received with that deference which is due from the national government to the interests and wants of one of its constituent members. There are, however, other branches of productive industry, which properly fall within the scope of the municipal regulations of the state governments, and over which a salutary influence may be shed by legislative enactments, tending to protect those engaged in them against imposition and loss, and to ensure to their labour its legitimate return, such are some of the mechanic arts and other branches of business pursued by the working classes, immediately connected with them. Every legislative enactment having for its object, to foster and encourage this useful and valuable portion of our citizens, is an incentive to a laudable emulation to excel in every species of industry embraced within its provisions; and it is a duty of the first obligation imposed

upon those entrusted with the administration of Government, to infuse into the ranks of industry, a spirit of filial confidence, that their interests will not be treated with indifference and neglect by those who are bound to protect them, and to furnish the assurance, that they, too, are objects of the care and solicitude of those who emphatically are the guardians of the people's rights.

It will not be expected, that, on an occasion such as the present, any thing should be said in reference to the state of the commonwealth, or the measures to be submitted to the deliberations of the legislature during the present session; the message of my respected predecessor has presented both in detail. But I would call the attention of that portion of my fellow citizens, who compose the legislative branch of the government, to one or two topics, the first of which, it seems to me, no executive magistrate can abstain from pressing on the attention of the legislature without being justly chargeable with a culpable neglect of duty; I mean that clause of the constitution which enjoins that "the legislature shall as soon as conveniently may be, provide by law for the establishment of schools throughout the state, in such manner that the poor may be taught gratis," an injunction which I trust no statesman will disregard or philanthropist treat with neglect. This call has been so frequently made by the eminent statesmen who have preceded me in the executive department of this government, that I fear a repetition of it now, will be considered as forming a subject too stale and hackneyed to be productive of any beneficial effects; but as some of those calls have heretofore produced favorable results, may I not be permitted to indulge the hope, that the enlightened body, I am now addressing, will turn their attention to the injunction itself as being one, which considering the high source from which it emanates, is entitled to their unqualified deference and respect.

The philanthropic design, and patriotic intention of the framers of the constitution cannot, certainly, be passed over with indifference by any legislative body which views the subject of education, in all its important bearings, as well with regard to the evils resulting to society from a want of that moral and scholastic instruction to which a large portion of our citizens, who are now destitute of the means of obtaining them, is doomed; as in reference to the stability and permanency of our free institutions, themselves, which must always materially depend on the virtue and intelligence of the people. It is an incontrovertible truth, that civil liberty never can flourish in the same soil with ignorance; to be duly appreciated and rationally enjoyed, the ample privileges it confers, and the rich blessings it imparts, must be felt and understood; without the lights of education, the only true source of correct information, this never can be accomplished. That legislature therefore, which shall have devised and brought to maturity a system of education, by means of primary or common schools, to be established throughout the state, and supported by its own munificence and liberality on a scale so broad and extensive as to reach every village and neighborhood, and which shall ensure to every indigent child in the commonwealth the rudiments of learning at least, will not only have contributed largely to the perpetuation of our free institutions, but reared to itself a monument of imperishable fame.

Our judiciary system too, would seem to require revision, and ought, it is believed, to form another subject for the serious deliberations of the legislature. Under the present system, the time of the judges of the supreme court, it so constantly engrossed and occupied, and their labours have become so onerous and incessant, that there is no opportunity afforded for reading or reflection, which to inspire confidence in

their decisions on new and important questions which are constantly arising, and which are to become the settled law of the land, are all essential and important: besides the constant accumulation of business arising from obvious causes, notwithstanding the efforts of the judges to keep it down, and the unavoidable delays consequent thereon, are becoming evils of no small magnitude. Whether establishing a tribunal to sit as a court of errors and appeals; increasing the number of judges on the bench of the supreme court, or so organizing the present courts as to ensure a more equal distribution of labour among the judges of the supreme court, and those of the common pleas, having a tendency to expedite the public business, and to give more vigor and efficiency to the administration of the laws, would afford the better remedy, is a question submitted with great deference to the wisdom of the legislature.

With an anxious desire on my part, to cultivate a spirit of friendship, harmony and good will with all those connected with the administration of the government, and more especially with those who constitute its legislative department, I pledge myself, that to all their measures, tending to promote the public good, I will yield a cheerful and hearty concurrence, asking in return a reciprocity of good feeling on their part, together with their aid and co-operation in such measures, tending to the same object, as the executive may from time to time find it necessary and expedient to recommend.

Permit me, fellow citizens, before closing this address to congratulate you on the happy state and condition of the commonwealth, and of our common country. Whilst in the old world, we find one portion of it has been visited with the desolating scourge of war, and drenched with the blood of its unoffending subjects, and other portions of it have been convulsed

by internal commotions, and risings of the people, driven to desperation by the chilling hand of poverty, or the more deadly and desolating grasp of absolute famine and want, the natural concomitants of arbitrary power and oppression. We have been permitted to enjoy the inestimable blessings of a profound peace; of prosperity unexampled in the history of nations; of a government based immediately on the will of the people, and administered on the purest principles of republican simplicity; of laws mild and humane, administered peaceably but promptly, and executed even unto the death of the offender, without tumult or confusion, and without producing other sensations in the public mind than those of acquiescence in, or submission to, the justice of the penalties they inflict; of liberty civil and religious, secured to us by written constitutions, bearing in their train the freedom of speech, the freedom of the press, and last, though not least, the free exercise of the rights of conscience, privileges, which it is devoutly hoped, no American citizen, will ever relinquish, but with his life, whatever may be the specious pretext to induce the sacrifice. In short, we inhabit a country, which from its earliest infancy to the present day, Providence by the most signal manifestations of its goodness and protecting care, seems to have distinctly marked for its own. And permit me here emphatically to say, that if there is a nation on the face of the earth, which, more than any other, is bound to be devoted to its God by all the sacred ties of gratitude and love, that nation is the American people.

Having now, fellow citizens briefly delineated to you some of the general principles, by which in the course of my administration I shall be governed, and adverted to others which will be cherished and maintained, I shall, in the fear, and as I humbly trust, under the guidance and direction of that all wise Being, in

whose hands are the destines of men and of nations,
proceed to the discharge of my duty.

GEO. WOLF.

To the Assembly Giving Notice of the Appointment
of Samuel M'Kean to be Secretary of the Common-
wealth.

Gentlemen:

I HAVE THIS DAY APPOINTED SAMUEL
M'Kean, Esquire, to be Secretary of the Common-
wealth, during my continuance in office, agreeably
to the fifteenth section of the second article of the con-
stitution.

GEO. WOLF.

Harrisburg, December 16th, 1829.

To the Assembly Transmitting Documents Relating
to Dickinson College.

Gentlemen,

I HEREWITH TRANSMIT TO THE LEGISLA-
ture, a copy of a letter from the trustees of Dick-
inson college, through a committee appointed for
that purpose, accompanied by a copy of the annual
statement of receipts and expenditures.

GEO. WOLF.

Harrisburg, January 4, 1830.

DOCUMENTS.

Carlisle, December 28th, 1829.

Sir—In pursuance of an act of assembly, entitled “An act
supplementary to an act, entitled ‘An act for the establish-

ment of a college at the borough of Carlisle, in the county of Cumberland, in the state of Pennsylvania,''' we enclose you a statement to be laid before the legislature, shewing the way and manner in which the state's annuity of \$3,000, to Dickinson college has been expended.

We are very respectfully,

Your obedient servants,

GEO. DUFFIELD,

JAMES HAMILTON,

Committee of the Board.

To his excellency George Wolf, Governor of the state of Pennsylvania.

Statement, exhibiting to the legislature of Pennsylvania, the way and manner in which the state's annuity of \$3,000 to Dickinson college, has been expended, containing the account current from 24th September, 1828, to 24th October, 1829.

Dr. Cash.

1828, September 24th, to balance intresury,	\$1,448 34
Error,	20
Tuition receipts for winter session and grammar school,	2,240 02
State annuity,	3,000 00
Tuition receipts for summer session and grammar school,	2,007 78
Amount of note discounted at Carlisle bank,	989 33
Four subscriptions,	22 34
Balance due treasurer,	16 71
	<hr/>
	\$9,724 72

Cr. Cash.

By salaries paid,	\$7,675 00
Note paid to A. Carothers, Esq.,	1,000 00
Drawbacks returned to students,	62 50
Incidental expenses,	890 94
Treasurers' commission,	96 28
	<hr/>
	\$9,724 72
	<hr/>
1829, October 24, by balance,	\$16 71

N. B. The receipts for the session commencing November, 1829, are not included in the above exhibit.

GEO. DUFFIELD,
JAMES HAMILTON,
Committee.

Proclamation of the Election of Harmar Denny as
a Representative of Pennsylvania in the United
States Congress.

Pennsylvania, ss.

[Signed] George Wolf.



IN THE NAME AND BY THE AU-
thority of the Commonwealth of
Pennsylvania. By GEORGE
WOLF, Governor of the said Common-
wealth.

A PROCLAMATION.



WHEREAS, by a return
made by the Judges of a special
election held in the sixteenth
Congressional district of this
Commonwealth composed of
the counties of Allegheny,
Armstrong, Beaver and Butler, on Tuesday the fif-
teenth day of the present month, under the authority of
an Act of the General Assembly passed the eighteenth
day of February in the year one thousand eight hun-
dred and five, it appears that Harmar Denny, Esquire,
was duly elected to serve as a Representative of this
State in the House of Representatives in the Congress
of the United States, to supply the vacancy occasioned
by the resignation of William Wilkins, Esquire.

And Whereas, in and by one other Act of the Gen-

eral Assembly passed the second day of April in the year One thousand eight hundred and twenty-two, it is made the duty of the Governor on the receipt of the returns of such election to declare by proclamation the name or names of the person or persons returned to him as duly elected in each respective district;

Now therefore, I have issued this proclamation hereby publishing and declaring that the said Harmar Denny is duly elected and chosen as a Representative of this State in the House of Representatives in the Congress of the United States during the remainder of the time for which the said William Wilkins was elected.

Given under my hand and the Great Seal of the State at Harrisburg this twenty-eighth day of December in the year of our Lord One thousand eight hundred and twenty-nine, and of the Commonwealth the fifty-fourth.

By the Governor.

Sam. M'Kean,

Secretary of the Commonwealth.

To the Assembly Concerning the Finances of the State.

Gentlemen,

BY THE ELEVENTH SECTION OF THE SECOND article of the constitution, the governor is required to give to the general assembly information from time to time, of the state of the commonwealth, and to recommend to their consideration such measures as he shall judge expedient.

In compliance with this constitutional provision, I have deemed it my duty at this time to communicate to the legislature the actual amount of the debts heretofore contracted, and owing by the commonwealth on loans authorised at different times by acts of assembly;

together with the amount of moneys required to pay the debts now due on contracts for carrying on the works upon the respective divisions of the canal, and the sum which will be required to complete the works of every description yet to be done upon those divisions, as estimated by the engineers. In making this communication, I desire to be distinctly understood that I do not myself feel, nor do I intend to excite in the public mind, a want of confidence in the ultimate utility of the works of internal improvement already commenced, or in the ability of the commonwealth, to conduct them to a successful completion; on the contrary, there is every reason to believe, that by the former, the wealth and prosperity of the state and of its citizens will eventually be greatly increased; and that, with regard to the latter, the credit and resources of the state still remain unimpaired, and will always be found entirely adequate to the final consummation of the objects of improvement contemplated to be carried into effect.

Justice, however, to those upon whom the duty has devolved to make provision for the debts heretofore contracted and now due and payable; to provide the means for meeting the necessary expenditures of the current year, together with an adequate permanent fund for the payment of the interest on the whole amount of principal borrowed, and to be borrowed for purposes of internal improvement; demands an honest and candid exhibition of the actual state of indebtedness of the commonwealth, not only as a guide to legislative deliberation, but also that the citizens of Pennsylvania may be apprised of the necessity which may hereafter exist of invoking the exercise of their patriotism to aid in maintaining the credit as well as the character of the state, by contributing a small portion of their substance to its relief, should circumstances render such a requisition indispensable.

That the works, when completed, will afford a speedy relief from any measures which may be deemed to be of an onerous or burthensome kind, should a resort to such measures become absolutely necessary, there is just reason to believe; and the character, the intelligence, the public spirit and patriotism of the people of Pennsylvania, for which they are so justly remarkable, give ample assurance that when the necessities of the state require it, they will forego any privations that may be deemed necessary to relieve it from embarrassment and sustain its credit.

With a view to ascertain the actual amount of moneys borrowed by the commonwealth, and for which interest is payable, the auditor general was requested to furnish the executive with a statement exhibiting the whole amount of debt contracted, together with the dates and times when contracted, and when reimbursable or payable. In compliance with this request, the statement marked A, and which is herewith transmitted, was furnished by that officer on the second instant; from which it appears that the whole amount of loans contracted for by the commonwealth, since the passing of the act of 2d of April, 1821, authorizing a loan of one million dollars, down to and including the partial temporary loan of forty thousand dollars, under the act of 17th November, 1829, constitute an aggregate of eight millions, two hundred and eighty-six thousand dollars. And by a communication from the same officer of the same date, which is herewith exhibited, marked B, it appears that the further sum of four thousand dollars was borrowed from the Harrisburg bank, under the last mentioned act of 17th November last; and the sum of ten thousand dollars from the bank of the Northern Liberties, under the act of 7th December last; which increases the aggregate of debt before mentioned to the sum of eight millions, three hundred thousand dollars.

By the report of the canal commissioners, recently communicated to the legislature, it appears that the debts actually due upon the respective divisions of the canal, according to the reports of the acting commissioners and superintendents, amount to the sum of \$1,398,790 67; and that the whole amount of work of every description, yet to be done upon the several divisions, as estimated by the principal engineers, is \$2,060,742 39: making an aggregate of three millions four hundred and fifty nine thousand five hundred and thirty-three dollars and six cents, to be provided for by the present legislature, by way of loan or otherwise, as to them shall seem most expedient.

From information recently received, from sources which may be safely relied on, there is reason to believe that little difficulty will exist in procuring on loan any sum or sums of money, which the present exigencies of the commonwealth, or its future operations in relation to completing the works now in progress may require, and I would most earnestly recommend to the serious consideration of the legislature, the necessity of immediate action, on their part, in reference in this deeply interesting subject. The situation of the contractors on the several divisions of the canal, and of those employed by them, is represented as being in the highest degree distressing; and that immediate relief is indispensable, as well for the comfort of the individuals concerned, as for the honor of the commonwealth itself.

To maintain the integrity and the credit of the state unimpaired, it is essential that some provision of a permanent nature, in addition to the fund already set apart for that purpose, should be made for the payment of the interest, as well of the existing loans of eight millions three hundred thousand dollars, above mentioned, as of the several sums to be borrowed from time to time hereafter; and as a means for raising a fund

for that object, I would beg leave to suggest, either that the dividends hereafter to be declared on the stock held by the state, in the several banks in which it is a stockholder, and in case that should not be deemed sufficient, that so much of the capital stock itself, owned by the commonwealth, as may be necessary to make up the deficiency, be set apart as an additional fund for that object; or that a tax upon the income of individuals, other than that derived from the real estate, be assessed and levied throughout the commonwealth, under such regulations as the Legislature may think proper to prescribe.

Bonds, mortgages, judgments, and other evidences of debt, certificates of stock, of every description, and even money itself, never have, it is belived, been the subject of taxation in Pennsylvania: their possessors therefore never have contributed, and do not now, so far as that species of property is concerned, contribute any thing by way of taxes, under the laws of the commonwealth, regulating the county rates and levies, directing the mode of laying out and keeping in repair the public roads and highways, or for the maintenance and support of the poor; whilst the proprietor of real estate which yields him a comparatively trifling income, and the more indigent citizen, the bulk of whose property may consist of a single cow, are obliged to sustain their proportionable share of the burdens imposed by those laws. Can it then be deemed either unjust or ungenerous, that the wealthy capitalist should be called on to contribute out of his abundance, a small portion of that substance, which has hitherto continued exempt from ordinary taxation, and been permitted to accumulate, with diminution for any public purpose, for the relief of that commonwealth, whose laws protect him in the enjoyment of that wealth from which his income is derived? Against this species of taxation, it seems to me, no

rational objection can be urged; and when the exigencies of the republic require the contributions of its citizens, the least spark of patriotism existing in the breast of the individual thus taxed, must silence all complaint.

Articles of luxury, also, of every description, which are not classed among the necessities of life, but may be ranked among its conveniences and its comforts, and which are considered rather ornamental than useful, are always, in case of the public exigencies require it, proper subjects for taxation; and there is reason to believe that from this source alone, should it be deemed inexpedient to resort to those already mentioned, a sufficient revenue might be derived, which, in addition to the objects already set apart for that purpose, would produce a fund adequate to the extinguishment of the interest, which may, from time to time, accrue on the sums, in which the commonwealth may stand indebted. A considerable revenue might also be raised, without much inconvenience to the public, by a light tax imposed on anthracite and bituminous coal.

Another mode of raising a revenue sufficient to constitute the fund required, and which would ultimately redeem the character of Pennsylvania from the only imputation which can, with even a shadow of justice be alleged against her—the want of a fund on which to commence a general system of education—presents itself. It is a lamentable truth, that Pennsylvania is vastly in the rear of most of her sister states in the march of learning and science; and it is a subject of the deepest regret among the wise and the virtuous of her citizens, without distinction of party, that a fund for commencing a system of education, on liberal and enlightened principles, had not long since been set apart by the Legislature. I assuredly need not say to the enlightened bodies to which this communica-

tion is addressed, that our liberties and our free institutions are but precarious blessings, and that sooner or later we shall be deprived of both, unless knowledge is disseminated among our citizens by means of education. This truth is self-evident, and cannot be denied. Every day's experience attests its verity, and shows the danger to be apprehended to the stability of the republic, from a want of correct information on the part of our citizens. I would suggest, therefore, for the consideration and the serious deliberation of the Legislature, the propriety of providing by law, that the commissioners of the several counties within the commonwealth, in addition to the annual assessment of the ordinary county rates and levies, be authorized to assess a certain per centum of small amount, upon the property real and personal, trades and occupations, &c. of the citizens, to be collected by the same officer to whom the collection of the county tax is entrusted, to be paid over by the several county treasurers to the commissioners of the internal improvement fund, and by them invested in the funds of the commonwealth, bearing an interest of five per cent, the interest, as it becomes due from time to time, to be likewise invested; and that the principal so invested, together with the interest thereon accruing, shall be taken and held by the commonwealth, as and for a fund for the purposes of a general system of education, and for no other purpose whatever.

By this means, a fund for the most laudable of all purposes, and which would emphatically be the people's fund, would be imperceptibly raised; the commonwealth would be secure for a fund for the payment of its interest, and its citizens would scarcely feel the unimportant additional contribution such a measure would exact. No reflecting citizen, certainly, would object to the payment of it.

From the large amount of moneys heretofore ex-

pended on works of internal improvement, it must be apparent to all, that economy has rarely entered into the system of expenditure; but that prodigality and profusion have, on the contrary, been its distinguishing characteristics: and this has doubtless been owing entirely to the fact, that hitherto (so far as I can learn) there has been no accountability on the part of those entrusted with the disbursement of the public funds, such as would ensure a faithful application of them to the objects for which they were designed. Permit me, therefore, now, earnestly to press this important subject on the immediate attention of the legislature; and to recommend the adoption of such legislative provisions as will effectually guard the treasury against imposition, and assure a rigid accountability on the part of every public agent entrusted with the receipt and payment of money, to some department of the government, to be clothed with ample powers to inquire into, examine, and decide upon all accounts and vouchers which shall be exhibited for settlement and payment, and to enforce and exact from every such agent a rigid compliance with such rules and regulations, for the settlement of accounts, as shall be deemed expedient and proper to be adopted by such department, for effectually attaining the contemplated object.

GEO: WOLF.

Harrisburg, January 14th, 1830.

DOCUMENTS.

Auditor General's Office,

January 2, 1830.

Sir—In compliance with your request of yesterday, the accompanying statement is respectfully submitted. In cases where the acts of assembly authorizing loans, do not specifically direct the manner in which the money shall be applied, it is difficult to state the precise object. However, as the receipts of ordinary revenue exceed the ordinary expenses of

government during the years mentioned in the statement, it is reasonable to presume the object of the legislature was to make provisions for appropriations then due, or which might be payable during the year. Calculating on these data, the remarks attached to the statement will be found to be correct.

Any information you may request, which this department can furnish, will at all times be cheerfully communicated.

Very respectfully,

Your obedient servant,

DAVID MANN.

George Wolf, Esq., Governor of Pennsylvania.

A.

Statement of debts due on loans by the Commonwealth of Pennsylvania.

Loans.	Amount.
Stock loan, per act of 2d April, 1821, reimbursable 1st June, 1841 (a),	\$930,000 00
Stock loan, per act of 30th March, 1824, \$380,000 thereof reimbursable 1st May, 1834, and the residue the 1st of January, 1839 (b),	600,000 00
Stock loan, per act of 11th April, 1825, reimbursable 1st January, 1840 (c),...	150,000 00
	<hr/> 1,680,000 00
Bank of Montgomery county, per act of 1st April, 1826, at an interest of 4¾ per cent., reimbursable 1st May, 1835 (d),	60,000 00
Farmers' bank of Lancaster, per act of 1st April, 1826, at an interest of 4½ per cent., reimbursable 1st May, 1837 (d),	25,000 00
Easton bank, per act of 1st April, 1826, at an interest of 5 per cent., reimbursable 1st May, 1837, reserving the right of the commonwealth to reimburse the same at any time within that period (d),	25,000 00
Harrisburg bank, per act of 1st April, 1826, at an interest of 5 per cent., reimbursable in May, 1827, reserv-	

ing the right of the commonwealth to reimburse the same at any time within that period (d),	50,000 00	
		160,000 00
Canal loan, per act of 1st April, 1826, reimbursable 1st December, 1846 (e),	300,000 00	
Canal loan, per act of 9th April, 1827, reimbursable 1st December, 1850 (e),	1,000,000 00	
Canal loan, per act of 24th March, 1828, reimbursable 1st December, 1853 (f),	2,000,000 00	
Canal loan, per act of 18th December, 1828, reimbursable 1st January, 1854 (f),	800,000 00	
Canal loan, per act of 22d April, 1829, reimbursable 1st December, 1854 (f),	2,200,000 00	
		6,300,000 00
Canal loan, per resolution of the board of canal commissioners of 2d October, 1829 (g),	106,000 00	
Temporary loan, per act of 17th November, 1829, (h),	40,000 00	
		\$8,286,000 00

Remarks.

(a) Originally \$1,000,000, but \$70,000 of the stock was surrendered at a bonus by the Farmers' and Mechanics' bank, at the last renewal of their charter, per act of 25th March, 1824. This loan was applied to pay appropriations for internal improvements, per act of 26th March, 1821, and the appropriations of former acts of assembly.

(b) Of this loan \$380,000 were applied to the payment of previous 6 per cent. loans, per acts of 22d December, 1819—17th March, 1820—28th March, 1820, and 31st March, 1823, and \$100,000 to the payment of a 5 per cent. loan of the Philadelphia bank, per act of the 28th March, 1823, the balance, although not specifically appropriated by the act, it is believed was intended for the payment of appropriations for internal improvements and penitentiaries.

(c) The object of this loan is not specified in the act, but it is believed it was intended for the payment of appropriations for internal improvements and penitentiaries.

(d) The act authorising these loans does not particularly designate the object, but it is believed they were intended to meet the appropriations for internal improvements and penitentiaries.

(e) These loans were intended for, and applied to the construction of the Pennsylvania canal.

(f) These loans were intended for and applied to the construction of the Pennsylvania canal and rail road.

(g) This loan was applied to canal and rail road purposes, but as it was not authorized by any existing law, has not yet been approved by the Legislature, and as no appropriation has been made for its payment, no notice was taken of it in the appendix to the last annual report of the auditor general.

(h) This loan was intended for and applied to the construction of the Pennsylvania canal and rail road, but as it was reported to this department since the close of the last financial year, it was not included in the last annual report.

B.

Auditor General's Office, January 2d, 1830.

Sir—Since the statement with which I furnished you this morning was made up, the state treasurer has informed me the following loans have been received, which were not included in his report of yesterday.

\$4,000 temporary loan from the Harrisburg bank, per act of 17th November last, payable in six months out of future loans.

\$10,000 loan from the bank of the Northern Liberties per act of 7th December last, reimbursable 1st Wednesday in May, 1835.

Very respectfully, your obedient serv't,

DAVID MANN.

George Wolf, Esq., Governor of Pennsylvania.

To the Assembly Transmitting Certain Documents
Relative to the Status of the President of the
United States.

Gentlemen,—

I HAVE DIRECTED THE SECRETARY OF THE
Commonwealth to lay before you a communication
from the Governor of Georgia, accompanied by
certain resolutions of the legislature of that state,
passed the 19th December last.

GEO: WOLF.

Harrisburg, January 29, 1830.

DOCUMENTS.

Executive Department, Georgia,
Milledgeville, 31st December, 1829.

Sir—I have the honor to enclose to your Excellency, by the
request of the legislature of this state, copies of resolutions
adopted by that body at its late session upon the subject of
amendments proposed by the states of Louisiana and Mis-
souri, to the constitution of the United States. Your Excel-
lency is requested to lay the same before the legislature of
the state of which you are the chief magistrate.

Very respectfully, yours, &c.,

GEORGE R. GILMER.

His Excellency, George Wolf, The Governor of Pennsylvania.

In Senate, 17th December, 1829.

Resolved, That the general assembly of the state of Georgia
does not concur with the general assembly of the state of
Louisiana, in the proposal to amend the constitution of the
United States, so as to extend the term of office of the presi-
dent and vice president to six years, and to render the presi-
dent ineligible.

Resolved, That the general assembly of the state of Georgia
does concur with the general assembly of the state of Missouri,
in the proposal to amend the constitution of the United States,
so as to provide a uniform mode of electing the president and
vice president throughout the United States, and to give to the
people of the United States the privilege of voting directly for
the president and vice president, without the intervention of
electors: Provided, such alteration can be so made, that the

sovereignty of the states be not invaded, and the weight of the states, and the present basis of representation, be retained, according to the existing provisions of the constitution.

And be it further resolved, That, in the opinion of this general assembly, it would be desirable that the constitution of the United States should be so amended, as that the election of president and vice president should in no case whatever be submitted to the decision of the house of representatives of the United States: Provided, That in so amending the said constitution, provision be made for securing to the states an equal vote on such decision in the last resort.

And be it further resolved, That a copy of the above resolutions be forwarded to each of our senators and representatives in congress, and that the executive of this state be requested to forward a copy of the foregoing resolutions to the executive of each state, with a request that they be laid before their respective legislatures.

To the Assembly Transmitting Certain Documents.

Gentlemen:

I HAVE THE HONOR TO TRANSMIT TO THE Legislature a communication from his excellency the Governor of Virginia, accompanied by authenticated copies of certain acts of the General Assembly of that state.

GEO. WOLF.

Harrisburg, March 6, 1830.

DOCUMENTS.

Executive Department,

Richmond, March 2d, 1830.

Sir—I do myself the honor of transmitting, herewith, to your excellency, an authenticated copy of two acts of the General Assembly of Virginia—the one dated the 27th of February, 1829, the other the 13th February, 1830, respecting the Chesapeake and Ohio Canal company, and respectfully request that

you will cause the same to be laid before the General Assembly of Pennsylvania.

Very respectfully,

Your obedient servant,

WM. B. GILES.

His Excellency, the Governor of Pennsylvania.

To the Assembly Transmitting Resolutions of the
Ohio Legislature Commending the Tariff of
Eighteen Hundred and Twenty-Eight.

Gentlemen,

I HEREWITH COMMUNICATE COPIES OF A
letter from the Governor of Ohio, accompanied
by certain resolutions of the General Assembly of
that State.

GEO: WOLF.

Harrisburg, March 16, 1830.

DOCUMENTS.

Executive Office, Columbus, Ohio, 1st March, 1830.

Sir—I forward to you the following document, in pursuance
of a request of the General Assembly of Ohio.

I have the honor to be, respectfully,

ALLEN TRIMBLE.

Resolved by the general assembly of the state of Ohio, That
they concur in the opinion of the legislature of Pennsylvania,
as expressed in the following resolution:

“Resolved, by the Senate and House of Representatives of
the commonwealth of Pennsylvania, in general assembly met,
That the tariff of eighteen hundred and twenty-eight, accords
with the spirit of the constitution of the United States, and
that it maintains the true principles of protection to the in-
dustry of the country against foreign policy and legislation.”

Resolved, That the governor be requested to transmit a copy
of the foregoing resolution to each of the Governors of the
several states of the Union, with a request to have the same
laid before their respective legislatures; and also forward
copies of the same to each of our Senators and Representa-
tives in Congress.

To the Assembly with Papers from the Delaware Legislature Commending the Tariff of Eighteen Hundred and Twenty-Eight.

Gentlemen,

I HAVE THIS DAY APPROVED AND SIGNED the following acts and resolutions of the General Assembly, and directed them to be returned to the Houses, in which they respectively originated, viz.

* * * * *

I have also the honor to transmit a communication from the Executive of the State of Delaware on the subject of the present tariff.

GEO. WOLF.

Harrisburg, March 23, 1830.

DOCUMENTS.

Executive Department,

Dover, March 16, 1830.

Sir—I have the honour to trasnmit to your excellency a resolution of the General Assembly of the State of Delaware, relative to the tariff of 1828, and to request that the same be laid before the legislature of the state over which you preside.

I have the honor to be,

Very respectfully,

Your obedient servant,

DAVID HAZZARD.

To His Excellency, the Governor of Peansylvania.

In the House of Representatives,

January 20th, 1830.

The committee to whom was referred so much of the Governor's message as relates to the tariff of the United States, and the communication of Virginia upon that subject, have bestowed on the subject that consideration which its importance demands.

The laws of the United States for the protection of domestic manufactures, have been so often debated in Congress, and so repeatedly pronounced to be in strict accordance with the spirit and meaning of the constitution of the United States,

that your committee deem it wholly unnecessary to enter into any argument upon the subject.

They therefore recommend the adoption of the following resolution:

Resolved, By the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the tariff of 1828 accords with the spirit of the constitution of the United States, and is a protection to home industry, from the overwhelming influence of foreign rivalry.

Resolved, That the Governor of the state be requested to communicate the foregoing resolution to the executive of the several states of the United States, with the request that the same be laid before their respective legislatures.

Resolved, That the Governor be further requested to transmit copies of the same resolution to the Senators and Representatives of Delaware, in the congress of the United States, with the request to the Representatives, and instruction to the Senators, that the same be laid by them before their respective houses.

Proclamation of Reward for the Apprehension of Four Men charged with the Murder of John Peters, of Northampton County.

Pennsylvania ss.

[Signed] George Wolf.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By GEORGE WOLF, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas, I have been duly informed that a certain John Peters, late of the township of Williams, in the county of Northampton, has been barbarously murdered, and that four persons of the names of Patrick McCarty, Francis

Gaina alias Kanah, Garret Roach and Thomas Duffy, stand charged with being the authors of the crime, and have escaped the vigilance of the officers of justice: And whereas the reputation of the government, the peace and security of its citizens, and the obligations of justice and humanity require, that the perpetrators of an offence so heinous should be brought to speedy and condign punishment,—I have therefore thought proper to issue this proclamation, hereby offering a reward of one hundred dollars to any person or persons who shall apprehend the said fugitives, or either of them, within the county of Northampton, and secure them in the jail of the said county, and the sum of two hundred dollars if apprehended and secured in the jail of any other county in this Commonwealth, or if apprehended and secured without the limits of the State; which sum or sums are to be paid on the conviction of the perpetrators of the crime: And all judges, justices, sheriffs, coroners, constables, and other officers within this Commonwealth, are hereby required and enjoined to be attentive and vigilant in inquiring after and bringing to justice the alleged perpetrators of the crime aforesaid.

Given under my hand and the Great Seal of the State, at Harrisburg, this twenty-eighth day of June, in the year of our Lord one thousand eight hundred and thirty, and of the Commonwealth the fifty-fourth.

By the Governor.

Sam. McKean, Sec'y Com'wealth.

Patrick McCarty is a tall, thin, spare-faced man about five feet, eleven inches high, sandy complexion and freckled face, between twenty-five and thirty years of age—wore a black hat, a blue tight-bodied coat, and blue pantaloons.

Francis Gaina alias Kanah, is a stout, thick-set man, between twenty-five and thirty years of age, light com-

plexion, has lost two front teeth, and has a singular upper lip, something like a hare-lip—wore a white hat and light grey roundabout.

Garret Roach is a stout, heavy-built, thick-set man, about six feet high, with a full red face, and yellowish hair—wore a sea-grass hat, and is about twenty-five years of age.

Thomas Duffy is a Middle-sized man, rather thick-set, eyes, hair and complexion dark, about thirty-three or thirty-five years of age—wore a black hat, blue sailor jacket and blue pantaloons.—All Irishmen.

Proclamation of the Election of Representatives of
Pennsylvania in the United States Congress.

Pennsylvania ss.

[Signed] George Wolf.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By **GEORGE WOLF**, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas, in and by an act of the General Assembly of this Commonwealth, entitled "An act to provide for the election of Representatives of the people of this State in the Congress of the United States, passed April the second, one thousand eight hundred and twenty-two, it is made the duty of the Governor, on the receipt of the return of the election held in the several congressional districts of this Commonwealth, to declare by proclamation

the name or names of the person or persons to him returned as duly elected, in each respective district. And Whereas, the returns of the general election held on Tuesday, the twelfth day of October last in and for the several congressional districts, for members to serve in the House of Representatives of the Congress of the United States, for the term of two years, from and after the fourth day of March next, have been received in the office of the Secretary of the Commonwealth, agreeably to the provisions of the above recited act, whereby it appears, That in the first district, composed of the district of Southwark, the townships of Moyamensing, Passyunk, Blockley and Kingsessing, in the county of Philadelphia, and Cedar, New Market and Pine Wards in the city of Philadelphia, Joel B. Sutherland has been duly elected; in the second district, composed of the remaining wards of the city of Philadelphia, Henry Horn has been duly elected; in the third district, composed of the remaining part of the county of Philadelphia, John B. Watmough has been duly elected; in the fourth district, composed of the counties of Delaware, Chester and Lancaster, William Hiester, Joshua Evans and David Potts, junior, have been duly elected; in the fifth district, composed of the county of Montgomery, Joel K. Mann has been duly elected; in the sixth district, composed of the counties of Dauphin and Lebanon, John C. Bucher has been duly elected; in the seventh district, composed of the counties of Berks, Schuylkill and Lehigh, Henry A. Muhlenberg and Henry King have been duly elected; in the eighth district, composed of the counties of Bucks, Northampton, Pike and Wayne, Peter Ihrie, Junior, and Samuel A. Smith have been duly elected; in the ninth district, composed of the counties of Union, Northumberland, Columbia, Luzerne, Susquehanna, Bradford, Lycoming, Tioga, Potter and McKean, Lewis Dewart, Philander Stephens, and James

Ford have been duly elected; in the tenth district, composed of the county of York, Adam King has been duly elected; in the eleventh district, composed of the counties of Adams, Franklin, Cumberland and Perry, Thomas H. Crawford and William Ramsey have been duly elected; in the twelfth district, composed of the counties of Huntingdon, Mifflin, Centre and Clearfield, Robert Allison has been duly elected; in the thirteenth district, composed of the counties of Bedford, Somerset and Cambria, George Burd has been duly elected; in the fourteenth district, composed of the counties of Fayette and Greene, Andrew [Stewart has been duly] elected; in the fifteenth district, composed of the county of Washington, [Thomas W. T. McKennan] has been duly elected; in the sixteenth district, composed of the counties of Allegheny, Beaver, Butler and Armstrong, Harmar Denny and John Gilmore have been duly elected; in the seventeenth district, composed of the counties of Westmoreland, Indiana and Jefferson, Richard Coulter has been duly elected and in the eighteenth district, composed of the counties of Erie, Crawford, Mercer, Warren and Venango, John Banks has been duly elected. Now therefore, I have issued this proclamation, hereby publishing and declaring that Joel B. Sutherland, Henry Horn, John G. Watmough, William Hiester, Joshua Evans, David Potts, Junior, Joel K. Mann, John C. Bucher, Henry A. Muhlenberg, Henry King, Peter Ihrie, Junior, Samuel A. Smith, Lewis Dewart, Philander Stephens, James Ford, Adam King, Thomas H. Crawford, William Ramsey, Robert Allison, George Burd, Andrew Stewart, Thomas W. T. McKennan, Harmar Denny, John Gilmore, Richard Coulter and John Banks have been returned as duly elected in their several congressional districts before mentioned, as Representatives of the people of this State in the House of Representatives in the Congress of the United States, for the term of two

years, to commence from and after the fourth day of March next.

Given under my hand and the Great Seal of the State, at Harrisburg, this twenty-third day of November, in the year of our Lord one thousand eight hundred and thirty, and of the Commonwealth the fifty-fifth.

By the Governor.

Sam. McKean, Sec'y Common'th.

Annual Message to the Assembly—1830.

Fellow-Citizens:

IN PRESENTING TO THE ASSEMBLED REPRESENTATIVES of the people, the annual executive message, it affords me peculiar satisfaction, that the circumstances under which you have met to deliberate upon the important concerns of the commonwealth, are of a character so favourable and auspicious to the general welfare of our country, as to justify cordial congratulations, and to demand the homage of grateful hearts for the never failing mercies of Him who ruleth over all.

The flourishing and healthful aspect, which our country every where presents, as well in regard to its internal condition, as in reference to its political relations with foreign governments, furnishes unequivocal indications that its public concerns are wisely administered, and that its affairs, generally, have been conducted with prudence and care. By pursuing a wise and conciliatory, but firm and independent course of policy, based on the just maxim of "asking nothing that is not clearly right, and submitting to nothing that is wrong," the general government has, in the course of the past season, obtained, by negotiation and judi-

cious commercial arrangements, such important changes in regard to our intercourse with some of the powers of Europe and their dependencies, as to warrant the most flattering anticipations of future advantage to our citizens, by which the prosperity of every branch of our national industry, whether of agriculture, commerce, or manufactures, will be materially benefitted and enhanced. As citizens, then, of the United States, and members of the federal union, we have cause for sincere felicitation that the government under which we live continues to be administered in a manner peculiarly favourable to the advancement of the best interests of our common country, and to a full development of the superior excellence of those free institutions, which, as the fruits of a glorious but arduous and toilsome revolutionary struggle, have been kindly bestowed upon, and continued to us, as a people, by a beneficent and an all bountiful Providence; that by pursuing an enlightened, discreet and liberal policy, in the administration of our national affairs, we have been preserved in the undisturbed possession of civil and religious liberty; in the happy relations of peace and friendship with foreign nations; and in the full enjoyment of uninterrupted tranquility within our own borders. And that, we have the cheering prospect before us that, with ordinary care, and without practising an unnecessarily rigid economy in the management of our fiscal concerns, we shall present to the world, at no distant day, the novel, but sublime spectacle, of a nation consisting of more than twelve millions of free-men, happy in the possession of the most flourishing and prosperous country upon earth, and enjoying the protection of a government exercising a power and energy, moral and physical, adequate to every emergency, and sustaining itself in all its relations, foreign and domestic, honourably disincumbered from all its pecuniary obligations, and entirely out of debt.

The momentous and highly interesting events which have recently transpired in Europe (of which the past season has been unusually prolific,) the rapid succession in which they followed each other, and the extraordinary consequences they produced, whilst they excite our astonishment at the boldness and intrepidity with which the enterprises were conducted, and inspire us with admiration of the noble bearing, the heroic virtue, and ardent patriotism with which the actors who accomplished them were animated; they at the same time, awaken pleasing anticipations in relation to the future moral and political condition of the human family, and inspire the patriot and philanthropist with renewed hopes that the day is not far distant when tyranny and oppression shall be banished from the earth, and the principles of free government, founded upon the equal rights of man, shall be established and maintained throughout every portion of the world. As American citizens, accustomed to contemplate the light of liberty, and to witness its vivifying and refreshing influences upon the free and liberal institutions of our own favoured country, we have a right and claim it as our peculiar privilege, to mingle our congratulations with those of the patriots of France, on the glorious occasion of the emancipation of that magnanimous people, and its enrolment upon the list of free governments, by the virtuous and successful efforts of a single city, in the short period of three days. But although France, our former ally and friend, who stood by us in the dark and gloomy period of our own revolution, is entitled to our kindest sympathies on the occasion of her sudden and successful transition from a gloomy and degrading despotism, forced on the nation by the hostile bayonets of foreign mercenaries, to a system of government, comparatively free, by which the ruler is restricted within salutary constitutional limits, and which admits the safe and

correct political principle, that the sovereignty of the state resides in the people, and that kings rule but by their permission; we must not confine our congratulations to France alone. The spirit of freedom is abroad in the world. Its march is onward, and will not be stayed. Nations, as well as individuals, begin to know their rights, and to respect them. The fire of liberty is now spreading over enslaved Europe with inconceivable rapidity. Its votaries are every where establishing the truth of the maxim, that for a nation to be free, it needs but to will it, and wheresoever a people brings itself within the fold of free governments, it will be entitled to our best sympathies, and to our most cordial congratulations.

In discharging the annual duty, enjoined by the constitution, of presenting to the legislature a statement of our public affairs, it is truly gratifying to be enabled to say, that Pennsylvania has at no former period of her existence as a commonwealth, exhibited a more flourishing condition than that which she now presents. Her citizens have been favoured with healthful seasons, and blessed with rich and abundant harvests. Her cities, towns, villages and farms, bespeak every where, within her borders, the wealth, comfort, happiness, and growing prosperity of an industrious, a moral, and an intelligent people. As an individual state, she is happy in the diversified blessings of her agriculture, her commerce, her manufactures, and her mineral productions; whilst as a conspicuous member of the union, she shares, in an eminent degree, the high credit and renown which the national character has attained. Firmly attached to the union, and deeply sensible of its value and importance to all who enjoy the protection of its institutions and its laws; Pennsylvania, whilst, on the one hand, she will yield to none of her sister states in her zeal to promote its best interests, and to guard and defend it against the dan-

gerous and alarming consequences of oppressive unconstitutional enactments, so, on the other hand, will she view with marked disapprobation and serious dissatisfaction, any attempt, by open violence, to accomplish its dismemberment, or by the promulgation of insidious unfounded political doctrines, to impair its integrity, or to endanger its safety.

The protecting policy hitherto sustained by the general government, cannot, under existing circumstances, be abandoned or relinquished, with the approbation or consent of the people of Pennsylvania. Their interests, their prosperity, and, I may add, their comforts, are at this time essentially identified with that policy. The diversified branches of industry in which our citizens are engaged; the character of the productions peculiar to our soil; the state of the foreign markets to which we had heretofore been accustomed to resort for the sale and exchange of our staple commodities, and the interdicting duties by which the produce of our agriculturalists is excluded from those markets, leave us no alternative as to the course to be pursued. We must either suffer our surplus produce to perish on our hands, or we must establish a market, for its consumption, at home. We must either submit to the humiliating condition of becoming tributary to foreign industry, or, by affording encouragement to our own, render ourselves independent of foreign imposition and exaction. Under the encouragement and protection now afforded, our manufacturing establishments are assuming a vigorous and healthful appearance, and give reasonable promise of promoting the general prosperity of the country, and of accomplishing the great end and design contemplated by the friends and advocates of the protecting system. Happily for us in Pennsylvania, we have no constitutional difficulties to embarrass us in reference to this system. Our statesmen who have hitherto represented us in

the national legislature, as well as in that of the state, have uniformly expressed their opinions affirmatively, and in terms by no means equivocal, that this nation possesses the right, under the constitution, to protect its industry, by salutary enactments of its own, against the injurious consequences of foreign legislation, and that the acts of congress imposing duties on imports are constitutional; and their constituents have, as unequivocally, responded to those opinions.

Although extensively engaged in the construction of works of internal improvement within her own limits, and at her own individual expense, Pennsylvania has uniformly, with a magnanimity and a spirit of patriotism which does her honour, advocated and maintained the constitutional right of the general government to aid in the construction of works of internal improvement, of a national character; tending to bind and to connect more closely together the remote parts of our widely extended territory; to multiply the facilities of communication between the different parts of the union; to diminish time and distance in the intercourse of its citizens with each other; to beget, by means of such intercourse, feelings of amity, kindness and friendship, instead of those sectional jealousies, local prejudices, and unkind and uncharitable prepossessions which a want of free and friendly inter-communication is always sure to produce; and generally to increase the comforts, and promote the prosperity and happiness of the people of the United States.

If to promote the happiness of the people is the legitimate end of all government, the maxim must be peculiarly true with regard to our own, where the whole power is lodged in the people, and by them delegated to agents, responsible for the manner in which the public concerns of the commonwealth are administered, and solemnly pledged to promote, by all means in their power, the welfare and happiness of their

constituents. We, as such agents, have a duty of no ordinary magnitude to perform, and ought to feel, very sensibly, the weight of obligation imposed upon us, in selecting the measures by which the end of our appointment may be most effectually attained. Of the various projects which present themselves, as tending to contribute most essentially to the welfare and happiness of a people, and which come within the scope of legislative action, and require legislative aid, there is none which gives more ample promise of success, than that of a liberal and enlightened system of education, by means of which, the light of knowledge will be diffused throughout the whole community, and imparted to every individual susceptible of partaking of its blessings; to the poor as well as to the rich, so that all may be fitted to participate in, and to fulfil all the duties which each one owes to himself, to his God, and his country. The constitution of Pennsylvania, imperatively enjoins the establishment of such a system. Public opinion demands it. The state of public morals calls for it; and the security and stability of the invaluable privileges which we have inherited from our ancestors, require our immediate attention to it. In bringing this subject to your notice on the present occasion, I am aware that I am repeating that which has been the theme of every inaugural address, and of every annual executive message at the opening of each successive session of the legislature, since the adoption of the constitution. I know, too, that the necessity which has existed, and which has given occasion for the repeated, anxious, and pressing executive recommendations, in reference to this interesting subject, arose from the extreme difficulty which presented itself at every attempt to strike out a system adapted to the existing circumstances of the commonwealth, and which might be calculated to accomplish the end contemplated by the

framers of the constitution. But difficult as the task may be, it is not insurmountable, and I am thoroughly persuaded that there is not a single measure of all those which will engage your deliberations in the course of the session, of such intrinsic importance to the general prosperity and happiness of the people of the commonwealth, to the cause of public virtue, and of public morals; to the hopes and expectations of the rising generation, to whom the future political destinies of the republic are to be committed; or which will add so much to the sum of individual and social improvement and comfort, as a general diffusion of the means of moral and intellectual cultivation among all classes of our citizens. Nor can there be a measure presented to you, as legislators, and as the guardians of the integrity and safety of our invaluable civil institutions, more worthy of a virtuous and determined effort to overcome every obstacle that shall present itself in opposition to the accomplishment of an achievement so truly laudable. It is not to be expected that a system can be devised and matured, which shall exhibit at once, all the qualities of a perfect whole. Like the improvement of the mind itself, the building up of a system intended to advance, to enlarge, and to extend that improvement, must be a progressive work. Among the principal adversaries of this measure are prejudice, avarice, ignorance and error; the fruits of a successful conflict with these, and a victory over them, will be a consciousness of having been instrumental, by furnishing the means of a general diffusion of knowledge, in securing the stability and permanency of our republican institutions, in adding to the sum of human intelligence, and in elevating the sentiments and confirming the virtue of the present and future generations.

If "knowledge is power," and I believe the truth of the maxim is no longer doubted, it must be conceded,

that a well educated people will always possess a moral and physical energy, far exceeding that to which an ignorant, illiterate people can attain. It is asserted in a document recently published at the instance of the Pennsylvania Society for the Promotion of Public Schools, that "out of four hundred thousand children in this State, between the ages of five and fifteen, more than two hundred and fifty thousand, capable of receiving instruction, were not within a school during the last year." And is it not more than probable that, if it were possible to ascertain the fact, every year that has elapsed since the adoption of the constitution, would, upon examination, have been found to present the same deplorable result in a greater or less degree. If so, what an incalculable loss has not this commonwealth sustained, in the talents that would have been elicited; in the ingenuity and skill that would have been imparted to labour and science; and in the moral and intellectual endowments that would have been engrafted and matured, had a judicious well arranged system of universal education been early adopted, and rightly enforced, as contemplated and enjoined by the framers of the constitution. To you, fellow-citizens, as the representatives of the people, possessing, as you necessarily must, an intimate knowledge of the wants, as well as the views and wishes of your constituents, in reference to this measure, and bringing with you, from every section of the state, a fund of intelligence which is peculiarly useful in directing you to favorable results, is committed the arduous, but I trust, not ungrateful task, of collecting, digesting, and arranging the details of a system of primary or common school education, which will shed an additional lustre over the existing elevated character of the commonwealth; furnish the assurance that a recurrence of the evils complained of will be effectually guarded against, and that Pennsylvania will hereafter possess

the energy and power, moral and physical, emanating from the virtue and intelligence of her people, enlightened and improved by a general diffusion of knowledge among all classes and conditions of her citizens, to which she ought long since have entitled herself.

Among the most effectual safeguards to the peace, the safety, and the happiness of the people, are a well organized judiciary, and a prompt, faithful and impartial administration of the laws. The delays incident to the administration of justice in our courts, as at present constituted, continue to be the subject of serious complaint in many parts of the state, and call for a speedy and effectual remedy. The constitution imperatively requires, that justice shall be administered without sale, denial or delay. Under the present organization of our courts, this constitutional requirement is not, and it is believed cannot be so carried into effect, as to prevent injurious and vexatious delays. The judiciary is justly considered as one of the most important branches of the government, and is that arm of the government, to which the constitution and laws have very properly confided the protection of the life, liberty, reputation, and property of every member of the community, against the assaults of violence, oppression, malice and fraud, and it ought to be so constituted and organized, as to afford prompt and effectual security and relief, whenever any of the rights, privileges or immunities of the citizen are jeopardized or assailed. The system itself has undergone few, and those but very slight modifications, since its first organization under the present constitution. Its energies have not been increased in proportion to the increase of population, wealth and business, and the corresponding increase of litigation, occasioned by the dishonesty, immorality and crime, which have grown up within the commonwealth during that period. It is believed that the public interests require, and that

individual interests demand, a thorough radical re-organization of the system, such as will bring to the judiciary of this growing commonwealth, an additional accession of virtue, learning and talent, and impart to it such an increase of energy and strength, as will render it entirely adequate to a prompt and efficient discharge of its multifarious and continually increasing duties.

The several duties specially enjoined upon the executive, by acts and resolutions passed at the last session of the legislature, have, during the recess, been promptly attended to and performed.

The commissioners appointed in pursuance of the resolutions of the 23d of March last, to revise the civil code, have, there is reason to believe, been actively engaged in the performance of that duty. The task is one of no ordinary magnitude, and to complete it within the time limited by the resolutions, will require great industry and perseverance on the part of those entrusted with its execution. Much time, too, will be required for deliberate consideration, critical examination, and careful comparison and arrangement, to enable the revisers to give form and consistence to the work in which they are engaged, and to bring it to that state of perfection which the legislature intended, and the revisers doubtless desire it should assume. A report in part, as directed by the resolutions, will, it is confidently expected, be made to the legislature at an early period of its present session. No provision has been made by law for compensating the revisers, for any part of their labour in the prosecution of the work, and as expenses must necessarily be incurred as the work progresses, I would recommend as an act of justice to those engaged in it, that an appropriation be made of a sum sufficient to cover the expenses already incurred, and to compensate the revisers for the care and labour hitherto bestowed in the performance of their arduous duties.

The four millions of dollars, which the governor was authorized to borrow from the bank of Pennsylvania, by the act of 13th March last, has been received from that institution, in the manner, and upon the terms mentioned in the act, and applied, so far as appropriated, to the several objects to which they were appropriated by that and subsequent acts. Of the sum thus borrowed, one millions one hundred and nine thousand one hundred and eleven dollars and forty-six cents, were early in the month of April last, applied to the extinguishment of the balance of the temporary loan, which had been obtained under the authority of the act of the 22d of April, 1829, of that obtained in virtue of the resolution of the board of canal commissioners of the 3d of October, and the loan of one million of dollars, authorised by the act of the 17th November of the same year. Four hundred and eighty-seven thousand and thirty-four dollars and forty-six cents, have been set apart by the commissioners of the internal improvement fund, under the provisions of the act of 2d April last, for the repayment of the several loans obtained from the banks of this commonwealth, in virtue of the act of the 7th of December last. (Copies of the correspondence arising from the negotiation of these loans are herewith transmitted.) Two millions three hundred and fifty thousand four hundred and twenty dollars and fifty-four cents, were applied as directed by the act of the 27th of March last, to canal and rail-road purposes, and to aid in defraying the expenses incident to the canals and rail-road. And the sum of fifty-three thousand four hundred and thirty-three dollars and fifty-four cents, the residue of the said four millions of dollars which remained unappropriated, has recently been placed by the bank to the credit of the commonwealth, and is now at the disposal of the legislature. As the fund applicable to canal and rail-road purposes, and

to aid in defraying the expenses incident to the canals and rail-road, will be largely deficient, and as the demands upon that fund are pressing, I would recommend an immediate appropriation of the unappropriated balance just mentioned, in aid of that fund.

By the act of the 27th of March last, entitled, "An act making further appropriations for canals and roads," it is made the duty of the board of canal commissioners, "to cause so much of the contracts already made upon the different lines of the canal and rail-road, as could be done, to be completed within the present year, and directing that they should in no way enter into new contracts for the extension of any line of canal or rail-road, except for the erection of a dam at or near Johnstown, and the constructing of a canal and necessary works from thence to section number fifty-seven on the Ligonier line, a distance of about three miles, for the purpose of introducing the water into the Ligonier line of the western division of the canal." In pursuance of the directions of the act just mentioned, the board of canal commissioners in a spirit of diligence, industry of zeal which does them much honour, proceeded to carry into effect the contracts upon the several lines of the canal and rail-road, and have so far succeeded in completing the same, that out of four hundred and twenty-six miles of canal, (the whole extent that had been contracted for, or which was authorized to be put under contract by the act just recited,) the water has been already admitted upon the several divisions thereof to an extent embracing a distance of four hundred and six miles. The remaining twenty miles are progressing rapidly towards completion, and will, it is confidently expected, be ready for navigation in all the month of January next. There is reason to believe, therefore, that at the opening of the navigation in the ensuing spring, Pennsylvania will present

in her own several divisions of canal, an extent of inland navigation, forming a distance in the aggregate, of four hundred and twenty-six miles, in addition to three hundred and two miles of canal already in operation belonging to private companies: making altogether a distance of inland navigation by means of canals within the limits of the state, of seven hundred and twenty-eight miles, prepared to convey to market the rich products, as well agricultural as mineral, of the fertile and productive sections of the commonwealth through which they respectively pass; to give life, vigor and facility to internal commerce in all its varieties, and to afford some assurance of future usefulness, profit and advantage to the commonwealth. The grading, bridging, and preparing the rail-way bed, for the forty miles which had been put under contract between Columbia and Philadelphia, are nearly completed, and will, it is expected, be finished in the month of January next, so far as to be ready for the reception of the rails; which added, when completed, to eighty-one miles of rail-road now in operation within the state, belonging to private companies, will make an aggregate extent of rail-road of one hundred and twenty-one miles.

It is estimated that the whole cost of the several divisions of the canal, and that part of the rail-road which have been put under contract by the authority of the state, and which are nearly completed, including damages as far as paid, and the sum necessary for repairs to the 1st of January, 1831, will amount to ten millions eight hundred thousand dollars. The sum actually paid over to the treasurer of the board of canal commissioners is ten millions, two hundred and eighty-eight thousand one hundred and sixty-three dollars and sixty-seven cents, leaving a deficiency to be provided for by the legislature to meet the demands of the several contractors, of five hundred and eleven

thousand eight hundred and thirty-six dollars and thirty-three cents. I have already mentioned, that the sum of fifty-three thousand four hundred and thirty-three dollars and fifty-four cents, the unappropriated balance of the loan of four millions of dollars, may be made available immediately to supply, in part, the deficit mentioned. Should that be done, the sum to be provided to meet the existing demands upon the canal and rail road fund, will be four hundred and fifty-eight thousand four hundred and two dollars, and seventy-nine cents.

The Bank of Pennsylvania is bound, by the provisions of the act of the 13th of March last, to loan to the commonwealth one million of dollars, annually, for and during the term of three years, after the first day of January, 1831, at an interest of five per cent. per annum. It will be optional with the legislature, therefore, to authorise a resort to the bank, under the provisions of the act, after the first of January next, or to direct a loan to be negotiated elsewhere, to meet the present exigencies of the state, as shall under all circumstances be deemed most for the interest and advantage of the commonwealth.

It may not be improper here to mention, that all the contracts along the several lines of the canals and rail-road, with the exception of that for erecting a dam at or near Johnstown, and constructing a canal of about three miles in length from thence to lock number fifty-seven, on the Ligonier line, authorized by the act of the 27th March last, were authorized to be made, and actually were entered into under the authority and direction of our predecessors; and that the more unpleasant duty of carrying them into effect has devolved upon us. Hence arises the necessity for the constant borrowing and expenditure of those large sums of money, from time to time, on our part, in behalf of the commonwealth, for the prosecution of works

of internal improvement. Without stopping, however, to inquire into the wisdom or policy which dictated the measure of engaging in a scheme so extensive, tending to involve the commonwealth suddenly in a train of heavy pecuniary difficulties and embarrassments, it is sufficient for us to know that the honour and the faith of the state are pledged to finish that which has been commenced: that, in the dilemma in which we have been placed, prudence will dictate that our march should be onward. And the best interests of the commonwealth will require a further expenditure of large sums of money in connecting and further extending some of the lines of the canal, and the entire finishing and completing of the rail road, in order that they may be rendered profitable to the commonwealth, and useful to its citizens.

On the subject of internal improvements, my opinion has ever been in favor of the policy; and although circumstances have occasionally occurred, calculated to dampen the ardor of its warmest friends, still I feel persuaded that a gradual progressive system of improvement, by means of roads and canals, such as this state might have prosecuted from time to time, without embarrassing her finances, or endangering her credit, would have been her true policy. The great mistake on our part, has been in undertaking too much at once, which has obliged us from year to year, since the commencement of our public works, to borrow and to expend large sums of money, and to incur the payment of a heavy interest, without obtaining from them an adequate return. Although all the works, that have been contracted for, have been finished or are in a state rapidly approximating to completion, yet until those in the east shall be so connected with those in the west as to form one entire connected chain of communication between Philadelphia and Pittsburg, the great emporiums of the east and the west, we cannot expect to derive much advantage from them.

The connecting links necessary to complete such a line of communication between the east and the west, as will give value to the works, in that direction, and render them useful to the people and profitable to the State, are the rail road from Columbia in the county of Lancaster, to the city of Philadelphia, about eighty-one miles in extent, forty miles of which, as already stated, have been nearly completed, (the remaining forty one miles have not yet been put under contract;) about nine miles of canal between Middletown and Marietta, including an aqueduct over the river Swatara; about forty miles of canal and slack water navigation from Huntingdon to Hollidaysburg, in Huntingdon county; and a Macadamized turnpike or a rail road, over the Allegheny mountain, about thirty eight miles in length. The aggregate of the cost of constructing the several links just mentioned as necessary to complete the grand chain of communication between the cities of Philadelphia and Pittsburgh, should a rail way over the Allegheny mountain be adopted, instead of a Macadamized turnpike road, is estimated at a sum exceeding two millions and an half, and may be safely set down at a sum not exceeding three millions of dollars. I have considered it my duty to give you this general outline of the works, still necessary to be executed, to complete a single line of communication between our great eastern and western cities, with the amount of the probable expense which will attend their construction or execution; and I submit to the wisdom of the legislature, whether sound policy does not require, that the connexion mentioned should be formed with as little delay as possible, and whether the best interests of the commonwealth in this particular, are not intimately connected with its speedy completion.

One of the principal designs in relation to the construction of some of the divisions of canal, too, was

to accommodate those regions abounding with anthracite and bituminous coal, and to afford facilities for the conveyance of those valuable and now almost indispensable mineral productions, to market. The canals have, however, stopped short at points inconveniently distant from the beds or quarries in which the minerals are deposited, and if permitted to remain in their present state, will neither accommodate the interests they were intended to promote, nor become profitable to the commonwealth. To accomplish either of these ends, reasonable extensions of those several divisions will become indispensably necessary. Surveys have been made of projects of internal improvement in the eastern, western and northern sections of the state, most of which, if carried into effect, would be of advantage, not only to the regions of country through which they pass, but would add to the general wealth and prosperity of the community. The importance of all these projected works will, however, from the spirit of enterprise which has infused itself into the minds of our citizens, force themselves upon public attention, from time to time, as the circumstances of the commonwealth shall be in a condition to meet the expenditures necessary for their commencement and gradual completion.

The report of the board of canal commissioners will be laid before you shortly, and will exhibit in detail, all the facts in relation to the several works, the immediate construction of which is deemed to be of primary importance, together with an estimate of the cost of each particular work. Prudence would seem to dictate, that until the several works which have just been enumerated, as essential to give value to those which have been finished, or are rapidly progressing to completion, shall have been completed, no other projects of internal improvement should be authorized or contracted for.

The act relative to the appointment of canal commissioners, approved the 6th of April last, and which provides for the appointment of a board of appraisers, to whom appeals are to be made by persons dissatisfied with the amount of damages offered by the board of canal commissioners, has not clothed the board of appraisers with those powers, which a proper regard for the rights of individuals, as well as for those of the commonwealth, and a desire to do justice to both, would seem to require they should possess. In order to arrive at the truth, it becomes necessary in most cases, that witnesses should be examined by the appraisers. There is no tribunal to which the parties can resort for process to compel the attendance of witnesses before the board. It would seem but reasonable, therefore, that the board of appraisers should be vested by law, with the power to issue such process for the appearance, and to enforce the attendance of witnesses, as will tend to the accomplishment of that object, and also, with authority to administer the necessary oaths or affirmations to witnesses, preparatory to their examination. I would also suggest the propriety of so amending the act, as to make the report of a majority of the appraisers valid and final, and to regulate the manner in which the appeal from the offer of the board of canal commissioners to the board of appraisers, is to be taken or made.

In bringing to your view the state of the finances of the commonwealth, it is gratifying to be enabled to say, that they have not at any former period presented a more flourishing and prosperous condition:—That they have not only been amply sufficient, during the fiscal year which has just ended, to defray the current expenses of government, but have yielded a surplus, such as has authorised the transfer of considerable sums in aid of the fund for the payment of interest on the moneys borrowed by the commonwealth, from time

to time, for the purposes of internal improvement. The balance in the treasury on the 30th of November last, was two hundred and forty-three thousand eight hundred and fifty-six dollars and twenty cents, of which sum there was transferred on the same day into the internal improvement fund, the sum of ninety four thousand four hundred and twenty-five dollars and forty-four cents; leaving an actual balance in the treasury on that day, of one hundred and forty-nine thousand four hundred and thirty dollars and eighty cents. The receipts into the treasury for the fiscal year, ending on the 30th of November last, were six hundred and twenty-four thousand four hundred and fourteen dollars and eighty-seven cents, showing an excess of revenue for the year 1830, over that of 1829, of twenty five thousand three hundred and fifteen dollars and seventy-seven cents.

The premiums of two hundred and twenty thousand dollars, paid by the bank of Pennsylvania, on the loan of four millions of dollars, under the provisions of the act of the 13th of March last, has so far aided the fund theretofore set apart for the payment of the interest on loans, as to enable the commissioners of the internal improvement fund, to discharge the interest which became due on the first of August last, and to leave a balance in the hands of the treasurer of that fund, applicable to the payment of the interest which will become due on the same account on the first of February, 1831, of one hundred and forty-eight thousand three hundred and twenty-four dollars and forty-two cents. The excess of revenue over the expenditures for the months of December and January, will authorise a transfer from the treasury into the internal improvement fund, of a sum in addition to the above mentioned balance, sufficient to meet the interest which will become due on loans at the above mentioned date.

The revenues to be derived under the several acts

of the last session "for the levy and collection of taxes upon proceedings in courts and in the office of register and recorder," passed the 6th day of April last; the "act to regulate inns and taverns," approved the seventh day of April last; and the "act graduating the duties upon wholesale dealers of merchandize, and prescribing the mode of issuing licenses," also approved the seventh of April last, will not be paid into the treasury in season to be made available to aid in discharging the interest of the public loans, which will become due on the 1st of August next; nor can the amount of revenue to be derived from those several sources, be ascertained at this time, so as to form a guide for the future provision to be made by the legislature for the payment of the interest on the loans which have been, and hereafter may be obtained by the commonwealth. To meet the interest, then, which will become due on the 1st of August next, it is estimated that the balance in the treasury on that day, will be one hundred and seven thousand dollars, arising from the ordinary sources of revenue, and from canal tolls fifty thousand dollars, making together one hundred and fifty-seven thousand dollars, of which sum one hundred thousand dollars may be made applicable to the payment of interest; and the remaining fifty-seven thousand dollars, should the tolls produced by the canals, amount to the sum anticipated, will with the usual accessions of ordinary revenue, be sufficient to meet the current expenses of government. As no revenues will, in the mean time, be derived from other sources, applicable to this object, there will be a deficiency in the fund for the payment of interest on loans on the first day of August next, of two hundred thousand dollars, to be provided for by the legislature.

To sustain the credit of the state, and to enable it to borrow money from time to time, upon advantageous terms, the establishment of an adequate fund for the

prompt and punctual payment of the interest of the sums borrowed, will be altogether indispensable. In a communication made to the legislature, on the 14th of January last, which will be found upon their journals, and to which I would now refer, I endeavored to direct their attention to such sources from which a revenue might be derived, as I then thought, might be properly and safely resorted to for the purpose of providing an interest fund, entirely adequate to the existing and increasing necessities of the commonwealth. In reviewing the several objects of taxation pointed out in that message, I cannot bring my mind to the conclusion, that there is one of those enumerated and recommended, that would not, under the circumstances in which the commonwealth is placed, be entirely proper, or that ought to elicit from any quarter, the language of complaint. A tax on anthracite and bituminous coal, recommended in the message referred to, has, it is true, been objected to by those engaged in the traffic which that commodity yields, on the ground that the trade in the article has not been sufficiently established to enable it to bear the imposition of a tax, however light.—How far this objection (and I believe it is the principal one that has been urged against the measure,) is correct, the legislature will be enabled to judge, and to its decision I shall most cheerfully submit.

Near the close of the last session of the legislature, and too late for the action of the two houses upon the subject, I received a communication from the honorable Clement Dorsey, of Maryland, enclosing a petition, signed by sundry citizens of that state, (which I have directed to be herewith transmitted,) having for its object the establishment of an inspection of tobacco in the city of Philadelphia. As the subject is one intended for the encouragement of trade, and promises a reciprocity of benefits to the citizens of

Philadelphia, and to those of one of our sister states, I have considered it expedient to bring it to the notice of the legislature in this form, and to recommend it to their immediate attention.

I have received during the recess of the legislature, a resolution of the board of managers of the Delaware and Hudson Canal Company, consenting to the provisions of the resolution of the senate, and house of representatives of this commonwealth, passed the 23d of March last, relative to the Delaware and Hudson Canal Company.

Communications have also been received from the governors of the states of Louisiana and Connecticut, enclosing resolutions of the legislatures of their respective states, expressive of their opinions that the tariff laws of the United States are constitutional.

A communication has also been received from the executive of Connecticut, transmitting a resolution of the general assembly of that state, declaring its nonconcurrence with the general assembly of the state of Missouri, in its proposed amendments of the constitution of the United States, to provide a uniform mode of electing the president and vice president of the United States, without the intervention of electors: copies of which will be laid before you.

In closing this communication, it only remains for me to assure the legislature of my earnest desire that, in their deliberations, they may be guided by that wisdom from on high, which is profitable to direct to such results as will tend most effectually to promote the public good; and of the cordial concurrence, on my part, in every constitutional measure, which shall be sanctioned by them, during the session, having for its object the general welfare.

GEO. WOLF.

Harrisburg, December 8, 1830.

To the Assembly Transmitting Certain Resolutions
of the Legislature of Vermont Concerning Pro-
posed Amendments to the Federal Constitution.

Gentlemen:

I HAVE DIRECTED TO BE LAID BEFORE YOU,
copies of certain resolutions of the legislature of
the State of Vermont, relative to proposed amend-
ments to the constitution of the United States, with
regard to the election of president and vice president.

GEO: WOLF.

Harrisburg, January 4, 1831.

State of Vermont,
Secretary of State's Office,
Woodstock, Dec. 10, 1830.

Sir—I have the honor of transmitting to your Excellency, a
copy of resolutions of the legislature of this State.

I am, with great respect,

Your Excellency's obedient servant,
N. WILLIAMS,
Secretary of State.

His Excellency, the Governor of Pennsylvania.

State of Vermont,
In General Assembly,
October 30, A. D. 1830.

The judiciary committee, to whom was referred a com-
munication from His Excellency the Governor, inclosing com-
munications from the States of Georgia and Connecticut, rela-
tive to proposed amendments to the Constitution of the United
States, "so as to provide a uniform mode of electing President
and Vice President throughout the United States, and to give
to the people the privilege of voting directly for the President
and Vice President, without the intervention of electors,"
report:

That they have had under consideration the said communica-
tion, and also, a resolution of the General Assembly of the
State of Louisiana, proposing to amend the Constiution of
the United States, "so as to extend the term of office of the

President and Vice President to six years, and to render the President ineligible after the first election," and that in the opinion of this committee, it is inexpedient to make the proposed alterations in the constitution; and therefore recommend to the General Assembly, the adoption of the following resolutions:

Resolved, the Governor and Council concurring herein, that the General Assembly do not concur with the General Assembly of the State of Georgia, in the proposal "to amend the Constitution of the United States, so as to provide a uniform mode of electing the President and Vice President, without the intervention of electors, and that the election of President and Vice President, should in no case whatever, be submitted to the decision of the House of Representatives of the United States."

Resolved, That this general assembly do not concur with the general assembly of the state of Louisiana in the proposal to amend the constitution of the United States, so as to extend the term of office of President and Vice President to six years, and to render the President ineligible after the first election."

Resolved, That the Governor of this state, be requested to forward a copy of the foregoing resolutions to the Executive of each state, with a request that they be laid before their respective legislatures.

To the Assembly Transmitting the Annual Statement
of the Trustees of Dickinson College.

Gentlemen:

I HEREWITH TRANSMIT THE ANNUAL STATE-
ment of the trustees of Dickinson College, under
the act of the 13th February, 1826.

GEO: WOLF.

Harrisburg, January 5th, 1831.

Carlisle, December 30th, 1830.

To His Excellency, George Wolf, Governor of Pennsylvania:

Sir—In pursuance of an act of assembly, entitled "An act supplementary to an act entitled an act for the establishment

of a college at the borough of Carlisle, in the county of Cumberland, in the state of Pennsylvania," we enclose herewith a statement and exhibit of the way and manner in which the state's annuity for this year has been expended by the trustees of Dickinson College.

Very respectfully,

Your obt' humble serv'ts.,

GEO. A. LYON,

WM. C. CHAMBERS,

JAMES HAMILTON,

Committee.

To the Honourable the Legislature of Pennsylvania:

Statement exhibiting the way and manner in which the state's annuity of \$3,000 has been expended, containing the account current of Dickinson College, from 24th October, 1829, to 17th October, 1830.

Dr.

1829, October 24. To tuition and receipts, from	
October, 1829, till September, 1830,	\$1,027 45
1830, January. State's annuity,	3,000 00
Subscriptions received from Saml. Hepburn,	
Esq.,	50 00
Notes discounted by the Carlisle bank,	1,879 73
	<hr/>
	\$5,957 18
	<hr/>
1830, October 17. To balance,	\$811 37

Cr.

1829, October 24. By balance due treasurer,	\$16 71
By salaries for the year ending October, 1830,	3,009 45
Bill of repairs of College edifice, from May,	
1828, till October, 1829,	71 22
Insurance for year commencing December,	
1829,	50 30
Interest on old debt due C. bank from Octo-	
ber, 1828, till May, 1830,	181 67
Janitor's wages,	110 00
Note paid Carlisle bank, with interest,	1,011 67
Tuition money refunded student,	14 50

Incidental expenses, including fitting up rooms in College, for principal and two pro- fessors, repairs of College building, expenses laboratory and philosophical apparatus &c.,	549 35
Secretary's salary for two years, ending Octo- ber, 1830,	40 00
Treasurer's commission,	50 94
Balance in treasury,	811 37
	<hr/>
	\$5,957 18
	<hr/>

To the Assembly Transmitting Certain Resolutions
of the Legislature of Indiana Concerning the Im-
provement of the Navigation of the Ohio River.

Gentlemen:

I HEREWITH TRANSMIT COPIES OF A COM-
munication from the Governor of the State of In-
diana, relative to the improvement of the naviga-
tion of the river Ohio; accompanied by sundry resolu-
tions of the legislature of said state, in relation to that
subject.

GEO. WOLF.

Harrisburg, February 4th, 1831.

Executive Department,
Indianapolis, Indiana, January 20th, 1831.

His Excellency the Governor of the State of Pennsylvania:

Sir—At the request of the present General Assembly of the
State of Indiana, I have herewith the honor of transmitting
to you "a memorial of the General Assembly of the state of
Indiana, relative to the improvement of the navigation of the
Ohio river," with a request that you will lay the same before
the legislature of the state of Pennsylvania, and request her
co-operation in effecting the objects contemplated by the said
memorial.

I have the honor to be, sir,

Very respectfully, your most

Obedient servant,

J. BROWN RAY.

A memorial of the General Assembly of the State of Indiana, relative to the improvement of the navigation of the Ohio river.

To the Senate and House of Representatives of the United States, in Congress assembled:

The memorial of the General Assembly of the state of Indiana would respectfully represent, that they view the uninterrupted navigation of the Ohio river at all seasons of the year as an object in the improvement of our country, of all others the most important. The extreme low state of the river during four or five months of the past year, has particularly directed the attention of the public to the improvement of this great national line of communication between the east and west; the same being too low between Pittsburg and Louisville for the navigation of steam boats of the lightest draught, and between Louisville and the mouth, for any excepting those of the smallest class, by reason of which the commerce and trade of the whole country has materially suffered, while our enterprising citizens have been subjected to severe losses, in consequence of the detention of their produce and merchandise, and the increased price of freight.

And whereas, it has been represented that experiments have been made by Capt. Shreve, superintendent, for removing obstructions to navigation, which clearly prove the practicability and expediency of considerably improving the navigation of said river, so that boats drawing three feet of water, can at all times of low water, safely navigate it from Pittsburg to Louisville, and those drawing four feet, from thence to the mouth of said river; and that the improvement contemplated and prayed for, can be made for the sum of three hundred and twenty-five thousand dollars, an inconsiderable sum when compared with the incalculable advantages it would produce to western commerce.

Your memorialists deem it unnecessary to press this subject upon your attention, knowing that the great importance of the work as connected with the leading interests of a majority of the states of this confederacy, are well known, and doubtless properly appreciated by your honorable body. They therefore respectfully invite your consideration to the appropriation of three hundred and twenty-five thousand dollars for the purpose aforesaid.

Resolved by the General Assembly of the state of Indiana, That our Senators in congress be instructed, and our repre-

sentatives requested to use their best exertions to procure the appropriation of three hundred and twenty-five thousand dollars, to improve the navigation of the Ohio River at low water, by means of wing dams, and by opening the channel of the bars and shoals from Pittsburg to the mouth of the same.

Resolved, That the Governor be requested to transmit a copy of the foregoing preamble and resolution to each of our senators and representatives immediately, and that he transmit a copy of the same to the Governors of the states of Pennsylvania, Virginia, Ohio, Kentucky, Illinois, Missouri and Tennessee, and with a request to lay the same before the legislature of their respective states, and ask their co-operation in the work proposed.

To the Assembly Transmitting a Letter from the Secretary of War with Accompanying Documents Relative to the Cession by the State of the Site of the Arsenal at Frankford.

Gentlemen:

I HEREWITH TRANSMIT TO THE TWO HOUSES for their consideration, a copy of a letter from the Honorable John H. Eaton, Secretary of the Department of War of the United States, with accompanying documents, in reference to the cession, by this commonwealth, of the jurisdiction of the scite of the arsenal, at Frankford, near Philadelphia.

GEO. WOLF.

Harrisburg, February 18th, 1831.

Department of War,
February 10, 1831.

Sir—I beg leave to bring to your consideration the subject contained in the enclosed report to me, from the chief of the Ordnance Department. If it shall occur to you as proper, I should be glad that you would bring it to the consideration of the legislature of Pennsylvania.

With high respect,

Your most ob't servt.,

J. H. EATON.

George Wolf, Esq., Governor of Pennsylvania.

Ordinance Office,

Washington, February 9th, 1831.

To the Hon. John H. Eaton, Secretary of War:

Sir—The jurisdiction of the site of the Frankford arsenal, near Philadelphia, has never been ceded to the United States, and much inconvenience is the consequence. The entire establishment is subjected to the assessments of the county and town authorities, who impose and collect county and road taxes, poor rates, &c.

I would therefore respectfully propose, that an application be made to the proper authorities of the state of Pennsylvania, for a cession of the jurisdiction of the tract of land on which the Frankford arsenal is situated.

As an example of the provisions of a law, ceding jurisdiction of an arsenal site, I submit herewith the copy of an act recently passed by the state of New York; which, while it grants all that is desired by the United States, appears to reserve all that any state may desire to retain in such cases.

I enclose also, a description of the boundaries of the Frankford arsenal tract, and all other particulars respecting it, which it may be thought necessary to insert in any act ceding its jurisdiction.

I have the honor to be, sir,

Your most obedient servant,

G. BOMFORD,

Bt. Col. on Ordnance service.

An act vesting in the United States of America jurisdiction over a certain piece of land in the town of Watervliet, in the county of Albany.

The people of the state of New York, represented in Senate and Assembly, do enact as follows:

1st. The jurisdiction of the state of New York, is hereby ceded to the United States of America, for the purpose of erecting and maintaining thereon, arsenals, magazines, dock yards and other necessary buildings, over all that certain tract, piece or parcel of land situated, lying and being in the town of Watervliet, in the county of Albany, and bounded as follows, to wit: (Here follows a description of the boundary line.)

2nd. The jurisdiction so ceded to the United States is granted upon the express condition that the state of New York shall retain a concurrent jurisdiction with the United States, in and over the tracts of land aforesaid, so far as the civil process in all cases, and such criminal process as may issue under the

authority of the state of New York, against any person or persons charged with crimes, committed without the said tract of land, may be executed therein in the same way and manner as if this jurisdiction had not been ceded. The United States are to retain such jurisdiction so long as said tract of land shall be used for the purposes expressed in the foregoing section, and no longer.

To the Assembly Transmitting Certain Resolutions
of the Legislature of Ohio Concerning the Colon-
ization Society.

Gentlemen:

I HEREWITH TRANSMIT COPIES OF A COMMUNICATION from his Excellency the Governor of Ohio, accompanied by sundry resolutions of the legislature of that state, relative to the appropriation of moneys by the general government in aid of the colonization society.

GEO. WOLF.

Harrisburg, February 21st, 1831.

Executive Office,
Columbus, Ohio, 12th February, 1831.

Sir—In compliance with a resolution of the General Assembly of the state of Ohio, I herewith transmit to you a copy of a report and resolutions adopted by that body on the 31st ultimo, with the request that they may be laid before the legislature of the state over which you preside.

With the highest respect,

I have the honor to be,

Your obedient servant,

D. McARTHUR.

Governor Wolf.

Report and Resolutions.

The committee on the judiciary to whom was referred so much of the unfinished business of the last session as re-

lates to a "report adopted by the General Assembly of the state of Missouri, on a report and resolution of the legislature of Georgia," on the subject of the constitutional power of Congress to appropriate money to aid the Colonization Society, have had the same under consideration, and beg leave to report:

That your committee are not advised of any appropriations made by the general government in aid of the Colonization society, and that it appears premature to express an opinion on any abstract proposition, the evils, benefits, or political consequences of which, have not yet appeared: Therefore,

Resolved by the General Assembly of the state of Ohio, That it is premature and inexpedient to express any opinion, whether the appropriation of moneys by the general government in aid of the Colonization Society, be, or be not constitutional.

Resolved, That the Governor communicate copies of these resolutions to the Executives of the several states, with a request that they will lay the same before their respective Legislatures.

To the Assembly Transmitting the Annual Report of
the Adjutant General.

Gentlemen:

I HEREWITH TRANSMIT COPIES OF THE AN-
nual report and statement of the Adjutant Gen-
eral, exhibiting at length, the strength of the mi-
litia and volunteers, and the condition, location, &c. of
the military property of the commonwealth.

GEO. WOLF.

Harrisburg, February 22d, 1831.

Adjutant General's Office,
Harrisburg, February 16th, 1831.

His Excellency George Wolf, Esq., Governor of Pennsylvania:

Sir—I have the honour to present my annual report of the militia and volunteers of the commonwealth, together with a statement of the ordnance, camp equipage and military

stores deposited in the arsenals, or being in the hands of volunteers in the several brigades throughout the state.

The returns of many of the brigades, as you will perceive from the remarks in the margin of the report, are incomplete, both as respects the strength of the militia and amount of public property; but it is due to the inspectors to say, that the deficiency is not to be attributed to a want of attention to duty on their part. The difficulties which they have to encounter in the performance of their duties are both numerous and great. In many parts of the state there exists a great aversion to militia training, and it is to be regretted that in those parts the officers of the militia want that spirit and promptness which is so indispensable to prompt them to faithfulness and vigilance. Such a state of things, together with the frequent changes which occur among the officers, and the dissolution of companies, and other alterations among the volunteers, render the performance of their duties difficult in many respects, and in some instances utterly impracticable.

The whole number of volunteers and militia in the state, as exhibited in the report herewith presented, exceeds that of last year by 3,343. The grand total, as computed last year, was 178,942. In my report it is 182,285. Of this increased number much the greater proportionate part, are volunteers. Last year there were returned of volunteers of every description, 33,048. This year there are 34,377—an increase in number of 1,329—the greater part of which are artillery and cavalry. The estimated number of infantry is considerably less, owing very probably, to their dissolving and forming themselves into artillery and cavalry. However the number of each particular description of volunteers, as computed in my report, cannot be relied on as being precisely correct, on account of their not having been distinctly designated in the brigade returns.

By the orders of the Secretary of War, I have received 4,855 copies of artillery, infantry and rifle discipline, which are now being distributed to the several brigade inspectors, for the use of the militia and volunteers. Eight boxes, containing 4,633 copies of infantry and rifle tactics, were consigned by the publishers thereof in Boston, to an agent in Philadelphia. The brig Flora, in which they were shipped, was, however, lost at sea. Should the general government supply the loss, there will probably be a sufficient number

to furnish the commissioned officers of the commonwealth, who have not already been supplied with one copy each.

I have the honor to be,

Very respectfully,

Your Excellency's obt. serv't.,

SAMUEL POWER,

Adj. Gen'l. P. M.

To the Assembly Transmitting Certain Resolutions
of the Legislature of Maryland Concerning Ob-
structions in the Susquehanna River.

Gentlemen:

I HAVE THE HONOR TO TRANSMIT HEREWITH
copies of a communication received from the Gov-
ernor of Maryland, enclosing a preamble and reso-
lutions of the Legislature of that State, on the subject
of certain dams or artificial obstructions erected in the
river Susquehanna, to which I would ask the immediate
attention of the legislature.

GEO. WOLF.

Harrisburg, February 23d, 1831.

Executive Department,

Annapolis, February 18th, 1831.

To His Excellency George Wolf, Governor of the State of
Pennsylvania:

I have the honor to communicate to your Excellency the
accompanying printed copy of a preamble and resolutions,
which have just been adopted by the General Assembly of this
state. They express, as your Excellency will perceive, the
opinion and views entertained by the General Assembly, rela-
tive to certain obstructions, which, it is represented by divers
citizens of this state, have been erected in and across the bed
of the river Susquehanna, by authority of the state of Penn-
sylvania. And, in compliance with the request contained in the
first resolution, I respectfully request that your excellency

will lay this expression of the views and sentiments of the General Assembly of this state, upon the highly important matter of which it treats, before the Legislature of Pennsylvania, in order that measures may be taken by the said Legislature to remove the just cause of complaint of this state, in relation to the aforesaid artificial obstructions in the said river. I perform this duty in the fullest confidence that the lucid representation of the General Assembly of this state will receive from the public functionaries of Pennsylvania the deliberate consideration which its importance entitles it to.

With the highest consideration, I have the honor to subscribe myself your excellency's most obedient humble servant.

DAN'L. MARTIN.

Report of the joint committee relative to the obstructions in the river Susquehanna.

Mr. Heath, from the joint committee, to which were referred the memorials of sundry citizens of this state, relative to obstructions in the river Susquehanna, submitted the following report, which was read and ordered to be printed:

The joint committee to which were referred the memorials of sundry citizens of this state, relative to certain artificial obstructions in the river Susquehanna, beg leave to submit the following preamble and resolutions upon the subject, and respectfully recommend their adoption.

Whereas, it has been represented to this General Assembly, by the memorial of divers citizens of this state, interested in the navigation of the river Susquehanna, that the state of Pennsylvania has caused to be erected in and across the bed of said river certain dams, which greatly increase the peril and impede the navigation thereof, and in consequence of said dams, the descending trade of said river has been greatly diminished, and must eventually be lost to the citizens of this state: And whereas, in support of the representations so made, it appears by a printed copy of the annual report of the canal commissioners of the state of Pennsylvania, made to the legislature of the said state, and other evidence, that three dams have been erected across the said river; one at a place called Duncan's Island, another at a place called the Shamokin, and the third at or near a place called Nanticoke, which dams are not less than eight feet above the natural bed of the river, and constructed of timber and masses of solid masonry, and effectually prevent the descent of boats and arks down said

river, except by the passage through the chute or sluice made in one side of each of said dams, which chute or sluice is at all times dangerous, and has already occasioned great losses to those who have attempted the passage of them; and by said dams the ascending navigation wholly destroyed: And whereas, the river Susquehanna, from the earliest settlement of the country, has been used by the inhabitants of its borders, for the convenient transportation to markets of the products of their industry, and for the transportation from the sea board to the interior, of such articles as the situation of its people render convenient and necessary: And whereas, the inhabitants of the soil bordering on navigable rivers have a right to the free and unobstructed use of such rivers, for the purpose aforesaid, and such principle has been sanctioned by the enlightened people of mankind, and has been strengthened by the union under one government of these states: And whereas, the maintenance of this principle is necessary to the convenient commercial intercourse between the different states, is calculated to develop the resources and increase the wealth and the power of said states, and to promote the happiness of their respective citizens, and to bind these states indissolubly together, under our present happy form of government: And whereas, the constitution of the United States has secured to the citizens of each state all the privileges and immunities of citizens in the several states, and hath expressly prohibited the passage of any law by the legislature of a state impairing the obligations of contracts: And whereas, by an act of the legislature of Maryland, passed at November session, 1799, to incorporate a company to make a canal from the river Delaware to the Chesapeake Bay, it was declared that the said act should be of no force or effect until a law should be passed by the state of Pennsylvania, declaring the river Susquehanna a public highway, and authorising individuals or bodies corporate to remove any obstructions therein, at a period not exceeding three years, from the first day of March, in the year eighteen hundred: And whereas, the state of Pennsylvania in the year 1801, did also pass an act to incorporate the said company, and in compliance with the condition precedent contained in the law of Maryland, expressly enact and declare "that the river Susquehanna, down to the Maryland line, shall be, and the same is hereby declared to be a public highway, any act or law of this commonwealth to the contrary notwithstanding, and it shall and may be lawful for the Chesapeake and Delaware canal company, or

any other body corporate, or individuals to remove all natural and artificial obstructions therefrom:" And whereas, in consequence of the act passed by the legislature of Pennsylvania as aforesaid, the legislature of Maryland, pursuing the same friendly and liberal course that has at all times characterized the conduct of this state towards her sister states, did by an act passed at December session 1813, provide that in consideration of the said act of the legislature of Pennsylvania, as aforesaid, the bed of the river Susquehanna from the Maryland line to the Bay of Chesapeake is hereby declared, and shall forever hereafter be a public highway, and that individuals or bodies corporate may at all times remove obstructions from its navigation; from which several enactments of the two states it is manifest that by a solemn compact, the river Susquehanna is a free and public highway, and that neither of the contracting states without the consent of the other, has a right in any manner or by any means to impede the natural navigation thereof: And whereas, confiding in such compact, and the faithful performance of its conditions, this state has at various times and on different occasions, as has also divers corporations of the state, by authority thereof, appropriated and applied large sums of money to clear out the bed of said river, and to preserve the navigation thereof free and unobstructed, to the use of the citizens of the several states forming the said compact: And whereas, the erection of the said dams, by the authority and direction of the state of Pennsylvania, is a manifest infraction of the said compact and agreement, and greatly injurious to the interests of this state, and to the citizens thereof. Wherefore,

Resolved, That the Governor of this state be and he is hereby requested to communicate a copy of this preamble and the accompanying resolutions to the Governor of Pennsylvania, with a request that they may be laid before the legislature of the state, in order that measures may be taken by the state of Pennsylvania to remove the just cause of complaint of the state of Maryland, in relation to the artificial obstructions in the river Susquehanna.

Resolved, That the Governor be and he is hereby requested to communicate copies of this preamble and the accompanying resolutions to the Governors of the states of New York and Delaware, with a request that they will communicate them to the legislatures of their respective states, and ask their co-operation in obtaining the removal of all artificial obstructions to the navigation of said river.

Resolved, 'That the Governor and Council be and they are hereby authorised and requested to appoint three commissioners to repair to Harrisburg to remonstrate against the conduct of the state of Pennsylvania, in erecting artificial obstructions to the navigation of the river Susquehanna, and endeavor to procure the removal of all such obstructions, and to report it, if practicable, their proceedings, during the present session, or if otherwise, to the next General Assembly of this state.

To the Assembly Transmitting Certain Acts of the
Legislature of Virginia Concerning the Chesapeake
and Ohio Canal.

Gentlemen:

I HAVE RECEIVED FROM THE GOVERNOR OF the state of Virginia, a communication enclosing several acts of the General Assembly of that commonwealth, relating to the Chesapeake and Ohio canal, to which the assent of the legislature of Pennsylvania is required, which are herewith transmitted, and to which I beg leave to invite the attention of the two Houses.

GEO. WOLF.

Harrisburg, March 5, 1831.

Virginia—Executive Department,
February 23rd, 1831.

Sir—I have the honor now of enclosing to you, copies of several acts of the General Assembly of this Commonwealth, relating to the Chesapeake and Ohio canal company.

The one passed February 26th, 1827, entitled "An act giving the assent of this state to an act to amend an act incorporating the Chesapeake and Ohio canal company, as passed by the state of Maryland."

The second passed February 26th, 1828, entitled "An act giving the assent of this state to an act further to amend

the act, incorporating the Chesapeake and Ohio canal company, passed by the state of Maryland."

The third passed the 27th of February, 1829, entitled "An act further to amend the act incorporating the Chesapeake and Ohio canal company."

The fourth is an act passed February 13th, 1830, entitled "An act to amend the charter of the Chesapeake and Ohio canal company, by authorising the commencement of the Western section of the canal."

I have the honor to be, sir,

Your ob't. serv't.,

JOHN FLOYD.

To His Excellency George Wolf, Governor of Pennsylvania:
An Act giving the assent of this state to an act further to amend the act incorporating the Chesapeake and Ohio canal company, passed by the state of Maryland. Passed February twenty-sixth, eighteen hundred and twenty-eight.

Whereas, It is represented that the General Assembly of the Commonwealth of Maryland, hath passed at their present session an act entitled "An act further to amend the act incorporating the Chesapeake and Ohio canal company," in the words following, to wit:

"Whereas, It is represented to this General Assembly, that it may tend greatly to the promotion of the object of the original act incorporating the Chesapeake and Ohio canal company, to authorize a subscription for its stock by aliens; and doubts have arisen, whether, under said act, such stock may be held by others than citizens of the United States, and whether the stock of said company, is to be regarded as real or personal property.

"1. Be it enacted by the General Assembly of Maryland, That it shall and may be lawful for the commissioners for the time being, and for the president and directors of said company, whensoever the same shall be duly organized, agreeably to the provisions of the original act aforesaid, to receive subscriptions for any number of shares of the capital stock of said company, from any alien or aliens, who are hereby declared competent to hold the same; and, if in their judgment it be necessary, to appoint an agent or agents to visit Europe for that purpose.

"2. And be it enacted, That the shares of the capital stock of the said Chesapeake and Ohio canal company, shall be deemed and taken to be personal estate, and as such, to be liable to

be assigned and transferred: Provided, that it shall not be lawful for any stockholder in said company to assign any share or shares, by him or her held, unless it be in person or by attorney, upon the books of said company: And provided also, that no transfer or assignment shall be made, except for one or more whole share or shares, and not for any part of such share or shares; and that no share or shares shall at any time be assigned or transferred, or held in trust for the use and benefit or in the name of another, whereby the said president and directors, or stockholders of the said company, or any of them, shall or may be challenged or made to answer concerning any such trust; but that every person appearing as aforesaid to be stock holders, shall as to others of the said company, be, to every intent, taken absolutely as such; but as between any trustee, and the person for whose benefit any trust shall be created, the common remedy may be pursued.

"3. And be it enacted, That the words 'nor any payment demanded within any year, from the commencement of the work,' inserted in the proviso to the fifth section of the original act incorporating the Chesapeake and Ohio canal company, passed the twenty-seventh day of January, eighteen hundred and twenty-four, by the General Assembly of Virginia, and subsequently confirmed by the General Assembly of Maryland, be and the same is hereby repealed and expunged from the aforesaid proviso; and henceforth the said proviso shall be construed in the same manner, and have the same effect, as if the afore-recited words had never been inserted therein.

"4. And be it enacted, That this act shall commence and be in force as soon as it shall have received the assent of the legislature of Virginia, of the congress of the United States, of the Potomac company, and of the stockholders of the said Chesapeake and Ohio canal company, to be given at their first general meeting after the passage of this act."

1. Be it therefore enacted by the General Assembly of this Commonwealth, That the assent of this legislature in and to the amendments to the "Act incorporating the Chesapeake and Ohio canal company," as contained in the foregoing act of the General Assembly of Maryland, is hereby as fully and completely given, as if the said amendatory act had been passed by this present General Assembly.

2. This act shall be in force from the passing thereof.

An act giving the assent of this State to an act, to amend an act, incorporating the Chesapeake and Ohio Canal Company, as passed by the State of Maryland, passed February the twenty-sixth, one thousand eight hundred twenty-seven.

Whereas, It is represented that the General Assembly of the Commonwealth of Maryland, hath passed at their present session an act, entitled "An act to amend the act incorporating the Chesapeake and Ohio canal company," in the words following, to wit:

1. "Be it enacted by the General Assembly of Maryland, That the act entitled "An act incorporating the Chesapeake and Ohio canal company," passed by the General Assembly of Virginia, at the December session, eighteen hundred and twenty-three, which has already received the assent of the state of Maryland, and of the Congress of the United States, as well as of the Potomac company, shall be and the same is hereby amended, in the manner hereinafter provided, on condition that this act receive, in like manner, the assent of the necessary parties thereto.

2. "And be it enacted, That the Chesapeake and Ohio canal company, shall have power to terminate the Eastern section of the said canal at or near the town of Cumberland, on the river Potomac, and thence to extend the Western section thereof, in any direction that may be deemed expedient by any other route, as well as that prescribed in the act aforesaid, towards Pittsburg, on the river Ohio, and in extending the same in any direction across the dividing ridge, which separates the eastern and western waters, to substitute for a tunnel, and numerous locks, on such part of the route, inclined planes and railways, or any other artificial communication or roads; and in the event that the Western section of the Chesapeake and Ohio canal shall leave the valley of the Potomac river, at any point below the coal banks, at or near the mouth of Savage, on the north branch thereof; the company shall have the power in like manner to extend a branch from the main canal to the said coal banks, at or above the mouth of Savage, and to cause such branch to be constructed of such dimensions, as their views of their own and the public interest may warrant, and for the construction of the same, shall have and enjoy the same rights, privileges and immunities, under the same restraints and conditions in all respects as they are entitled to, in relation to the main Chesapeake and Ohio canal.

3. "And be it enacted, That nothing in this act contained,

shall be held to discharge the said company from a compliance with each and every of the conditions of the original act, except so far as the same are expressly altered by the provisions of this act.

4. "And be it enacted, That this act shall commence and be in force as soon as it shall have received the assent of the legislature of Virginia, of the Congress of the United States, and of the Potomac company."

1. Be it therefore enacted by the General Assembly of this Commonwealth, That the assent of this legislature, in and to the amendment, to the "Act incorporating the Chesapeake and Ohio canal," as contained in the foregoing act of the General Assembly of Maryland, is hereby as fully and completely given, as if the said amendatory act had been passed by this present General Assembly.

This act shall be in force from the passing thereof.

An act further to amend the act incorporating the Chesapeake and Ohio Canal Company, passed February the twenty-seventh, eighteen hundred and twenty-nine.

1. Be it enacted by the General Assembly, That the Chesapeake and Ohio canal company, be, and they are hereby empowered, whenever it shall be in the judgment of the President and directors thereof, expedient, in lieu of bridges, to substitute boats, properly fitted for the transportation of persons, waggons and carriages of every description, across the canal, wherever a public or private road shall render a bridge or ferry necessary, and such road cannot be conveniently conducted under the canal.

2. Be it further enacted, That the said President and Directors, acting in behalf of the said company, and with the consent and approbation thereof, expressed at some general meeting thereof, in which a majority in interest of the stock of the company is represented, may sell, let, or otherwise dispose of, any surplus water in any part of the said canal, or of any feeder or reservoir thereof, if they shall be of opinion, that no injury will result therefrom to the navigation of the canal.

3. Be it further enacted, That wherever it may be necessary to form heavy embankments, piers or moles, at the mouths of creeks or along the river shore, for basins and other purposes, and the President and Directors may deem it expedient to give a greater strength to the same by widening them, and constructing them of the most solid materials, the ground

so formed for such useful purpose, may by them, when so improved, be sold out, or let for terms of years, as they may deem most expedient for the company, on such conditions as may direct the application of the proceeds thereof to useful purposes, and at the same time repay the necessary expense of the formation of such embankments, piers or moles: Provided, That this power shall in no case be exercised so as to injure the navigation of the canal.

4. This act shall be in force so far as relates to the eastern section of the said canal, on its receiving the assent of the legislature of Maryland, and of the Congress of the United States, and shall be valid as relates to both sections, on its receiving the farther assent of the legislature of Pennsylvania.

An act to amend the charter of the Chesapeake and Ohio canal company, by authorising the commencement of the western section of the canal, passed February the thirteenth, eighteen hundred and thirty.

1. Be it enacted by the General Assembly, That whenever a majority, in interest, of the stock holders of the Chesapeake and Ohio canal company, shall at a general meeting thereof, determine that it is expedient to commence the western section of the said canal, they shall have power to authorise and require the president and directors of the company, to cause the same to be begun, although the eastern section of the said canal shall not be at such time completed.

2. Be it further enacted, That the said president and directors shall have authority, at such times and places, as they may deem expedient, to open books for a conditional subscription, to the stock of the said company; such condition to be that the stock, so subscribed, shall be applied exclusively to the eastern or to the western section of the canal, as the subscribers may respectively prefer and direct; and in the event of any such subscription being obtained, the said president and directors, to the extent thereof, at least, shall apply all sums paid thereon, according to the terms of the condition annexed thereto, by the respective subscribers, and to no other purpose whatever. In all other respects whatsoever, the stock, so subscribed, shall be regarded as part of the general stock of the company, and entitle the stockholders subscribing the same to the same right and privileges, and subject them to the same obligations, with the other

stockholders, whose subscriptions are payable without conditions as to their application to either section of the canal.

3. And be it further enacted, That no forfeiture of the charter of the said company, or of any right thence arising, shall be incurred by any delay, on their part, to complete the western section of the said canal, by reason of a commencement of the same, before the completion of the eastern section thereof, but the longest time shall be allowed the said company for the completion of the entire canal, which could lawfully be claimed by them in virtue of any delay of the commencement, or completion of the western section of the canal, authorised or permitted by the terms of their present charter.

4. Be it further enacted, and it is hereby declared, That the amendment to the charter of the Chesapeake and Ohio canal company, contained in this act, are made upon the express condition that no part of the capital stock in said company heretofore subscribed, shall in any manner be applied to the construction of the western section of the said canal, until the eastern section is completed, but the same shall be altogether applied to the construction of the eastern section thereof until the same is completed.

5. This act shall commence and take effect as far as regards this commonwealth from the passage thereof, as regards the United States and the state of Maryland, on receiving the assent of the Congress of the United States and the General Assembly of Maryland thereto; and on its receiving the further assent of the legislature of the state of Pennsylvania, shall be taken and deemed to be in all respects, part of the charter of the Chesapeake and Ohio canal company.

To the Assembly Transmitting the Commissions of
Certain Persons Appointed by the Governor of
Maryland to Remonstrate against Artificial Ob-
structions in the Susquehanna River.

Gentlemen:

I HEREWITH TRANSMIT TO THE LEGISLA-
ture copies of commissions granted by the Gov-
ernor of the state of Maryland, to Robert H. Golds-
borough, John Mercer and Samuel Sterrett, commis-

sioners appointed in behalf of that state to remonstrate against certain artificial obstructions to the navigation of the river Susquehanna, and to endeavor to procure the removal of the same.

It is proper to inform you, also, that the said commissioners are now at the seat of government, and are desirous of entering upon the performance of the duties assigned to them, at such time and in such manner, as the legislature may think proper to direct.

GEO. WOLF.

Harrisburg, March 15, 1831.

The State of Maryland, to Robert H. Goldsborough, Esquire,
of Talbot county, greeting:

Dan'l. Martin. Be it known, That reposing especial trust and confidence in your prudence and honesty, you are appointed a commissioner to repair to Harrisburg, to remonstrate against the conduct of the state of Pennsylvania, in erecting artificial obstructions to the navigation of the river Susquehanna, and endeavor to procure the removal of all such obstructions; to hold the said office of commissioner as aforesaid, with all lawful fees, profits, privileges and benefits, to the said office of commissioner aforesaid belonging, until you shall be duly discharged therefrom; and to execute the duties of the said office with diligence and fidelity, without favour, affection or partiality, according to law.

Theodorick Bland, Chancellor.

Given under the seal of the state of Maryland, this
L. S. twenty-third day of February, in the year of our
Lord, one thousand eight hundred and thirty-one.
Witness, the Honorable Theodorick Bland, Chancellor.

The State of Maryland to John Mercer, Esquire, of Anne Arundle county, Greeting:

Dan'l. Martin. Be it known, That reposing especial trust and confidence in your prudence and honesty, you are appointed a commissioner (vice James Boyle, declined), to repair to Harrisburg to remonstrate against the conduct of the state of Pennsylvania, in erecting artificial obstructions to the navigation of the river Susquehanna, and en-

deavor to procure the removal of all such obstructions; to hold the said office of commissioner, as aforesaid, with all lawful fees, profits, privileges and benefits, to the said office of commissioner, as aforesaid, belonging, until you shall be duly discharged therefrom; and to execute the duties of the said office with diligence and fidelity, without favour, affection or partiality, according to law.

Theodorick Bland, Ch.

Given under the seal of the state of Maryland, this
L. S. twenty-third day of February, in the year of our
Lord, one thousand eight hundred and thirty-one.

Witness, the Honorable Theodorick Bland, Chancellor.

The State of Maryland, to Samuel Sterrett, Esquire, of the
City of Baltimore, Greeting:

Dan'l. Martin. Be it known, That reposing especial trust and confidence in your prudence and honesty, you are appointed a commissioner (vice Reverdy Johnson, declined), to repair to Harrisburg, to remonstrate against the conduct of the state of Pennsylvania, in erecting artificial obstructions to the navigation of the river Susquehanna, and endeavor to procure the removal of all such obstructions; to hold the said office of commissioner as aforesaid, with all lawful fees, profits, privileges and benefits, to the said office of commissioner as aforesaid, belonging, until you shall be duly discharged therefrom; and to execute the duties of the said office with diligence and fidelity, without favor, affection or partiality, according to law.

Theodorick Bland, Ch.

Given under the seal of the state of Maryland, this
L. S. twenty-third day of February, in the year of our
Lord, one thousand eight hundred and thirty-one.

Witness, the Honorable Theodorick Bland, Chancellor.

To the Assembly Transmitting Certain Resolutions
of the Legislature of Massachusetts Concerning
Militia Organization.

Gentlemen:

[HAVE RECEIVED AND HEREWITH TRANSMIT to the two Houses, a communication from the Governor of the state of Massachusetts, enclosing certain resolutions of the legislature of that state, rec-

ommending the passage of a law by congress for the more perfect organization of the militia of the several states.

GEO. WOLF.

Harrisburg, March 19th, 1831.

Commonwealth of Massachusetts,
Executive Department, March 9th, 1831.

Sir—In compliance with the request of the legislature, I herewith transmit certain resolves, passed at the present session, in relation to a more perfect organization of the militia, under the authority of the United States, with a respectful request that they may be laid before the legislature of the state over which you preside,

I have the honor, sir, to be respectfully,

Your obedient servant,

LEVI LINCOLN,

Governor of Massachusetts.

His Excellency, the Governor of Pennsylvania, Harrisburg.

Commonwealth of Massachusetts.

Resolved by the Senate and House of Representatives, That the Senators of this commonwealth, in the Congress of the United States, be instructed, and the Representatives requested to use their exertions to procure the passage of a law, for the more perfect organization of the militia of the several states.

Resolved, That His Excellency, the Governor, be requested to transmit copies of these resolutions to the senators and representatives of this commonwealth, in Congress, and also to the Governors of the other states, in order that the same may be submitted to the legislatures thereof, for their consideration.

To the Assembly Approving "An Act to Continue the Improvement of the State by Canals and Railroads," and Stating the Governor's Reasons for his Approval.

Gentlemen:

THE BILL, ENTITLED "AN ACT TO CONTINUE the improvement of the state by canals and railroads," has been in my possession since the twelfth instant, and has received that deliberate con-

sideration to which the magnitude and importance of its provisions entitled it, and which our constituents had a right to expect it would receive before it should be approved and become a law.

In the message transmitted to the two Houses at the opening of the present session of the legislature, the propriety of confining the appropriations for objects of internal improvement for the current year to the connecting links of the main route from Philadelphia to Pittsburg, with a view to complete a connected line of communication between those two important points, was pressed upon the attention of the legislature, from an honest conviction on my part, that the substantial interests as well as the true policy of the commonwealth would be best promoted by pursuing that course: And that, at most, in addition to the completion of the main line, the North and West Branch divisions of the canal should be extended into the coal regions towards which they severally tend, in order that the utility and public advantages of these several public works might be tested at as early a period as possible, and that they might soon be made to contribute, in some measure, to the increase of the revenues of the state. The commencement of any new project of improvement was at the same time deprecated and considered, then as now, as being entirely impolitic; as tending to embarrass and delay the operations of the government in completing any portion of the public works, and as manifestly calculated to produce an effect which instead of infusing confidence into the public mind that some advantages will be speedily realized by the public, and that the treasury will soon receive some return from those improvements, as an earnest that the sums which have from time to time been drawn from it have not been expended in vain, would tend to dampen the ardour with which our citizens were heretofore animated in favour of, and to

impair their confidence in a system of improvements, which if conducted upon right principles, would not fail to inspire both.

But although such were and still continue to be the convictions of my own mind, a majority of the legislature has thought proper to pursue a different course, and to authorise, by the bill now under consideration, the commencement of two new routes of canal, of no inconsiderable magnitude, (should they be carried to the extent contemplated,) and liberal appropriations have been authorised with a view to those objects.

Inasmuch, however, as this is a question involving no constitutional principle, nor presenting a case glaringly inexpedient, but exhibiting the naked question in how far it is expedient at this time to enter into new contracts, to what extent the commencement of new projects of improvement shall be authorised, and the amount of money necessary to carry them into effect, about all which there may well exist an honest difference of opinion, I feel myself bound by the respect which I trust I shall always entertain for the opinions of the legislature, when fairly expressed, to yield my judgment to theirs, believing, as I do, that the constitution never contemplated that the negative upon all laws with which it has armed the executive, should be interposed in a case circumstanced like the present—a question of sheer expediency.

The question of the greatest difficulty, and which is calculated to create more embarrassment, in the operations of the government, in relation to the system of internal improvements, is that relating to a fund for the payment of the interest on the public debt. The same difficulty would have existed to a certain extent, if the bill in question had never passed. A crisis has been produced in the affairs of the commonwealth, which must be met by those entrusted with the concerns of the government, and the direction of its af-

fairs; and although it has been brought about by no act of ours, it will nevertheless be our duty to meet it honestly, and with firmness, and to provide the means, to guard against any injurious effects or consequences, which it might otherwise be calculated to produce. If justice to the public creditors, as well as a proper regard for the faith and credit of the commonwealth would have required, that an adequate source of revenue for the payment of interest should have been provided, under the circumstances in which we were placed before the passing of the bill now under consideration, it can scarcely be necessary to remind an enlightened legislature of the additional obligation imposed upon them by the provisions of the bill which gave rise to this communication, to provide an ample interest fund.

With a firm reliance upon the integrity and patriotism of the members of the legislature of Pennsylvania, to whom this communication is addressed, and feeling assured that the faith and credit of the state are objects of their anxious solicitude, I have every reason to believe, that this legislature will not consent to separate, until it shall have provided such ample means for raising a revenue as will place the credit of the commonwealth, forever hereafter, on a basis which cannot be shaken.

Under these considerations, and under a firm conviction that a contrary course would be productive of consequences destructive to the best interests of the commonwealth, I have this day approved and signed the said bill, entitled, "An act to continue the improvement of the state by canals and rail-roads," and directed the Secretary of the Commonwealth to return the same to the House of Representatives, in which it originated.

GEO. WOLF.

Harrisburg, March 21, 1831.

To the Assembly Transmitting Certain Resolutions
of the Legislature of Massachusetts Concerning
Late Proceedings of the Government of Georgia.

Gentlemen:

I HEREWITH TRANSMIT TO THE TWO HOUSES,
copies of a communication from the Governor of
Massachusetts, enclosing resolutions of the legisla-
ture of that state, relative to certain late proceedings
of the government of Georgia, to which I would re-
spectfully invite the attention of the legislature.

GEO. WOLF.

Harrisburg, March 23d, 1831.

Commonwealth of Massachusetts,
Executive Department, March 17th, 1831.

Sir—In discharge of an assigned duty, I have the honor to
address to you, the accompanying resolutions, passed by the
legislature of this commonwealth at their present session, with
a request that you would be pleased to present them to the
consideration of the legislature of the state over which you
preside.

With sentiments of great respect,

Your obedient servant,

LEVI LINCOLN,

Governor of Massachusetts.

Commonwealth of Massachusetts—In the year of our Lord,
one thousand eight hundred and thirty-one.

Whereas certain late proceedings of the government of
Georgia are of a nature to create very serious apprehensions
in the minds of the good people of the union, respecting the
integrity and permanence of our civil institutions, and,

Whereas, it is the right and duty of the state governments
and of the people, while they carefully avoid any attempt to
influence the courts of justice, in any case that may be pend-
ing before them, to express their opinions with freedom upon
the conduct of all their political agents, and upon the general
condition of the country, whenever the occasion may appear
to require—therefore

1. Resolved by the Senate and House of Representatives, That the federal constitution, the laws of the United States made in pursuance thereof, and all the treaties made under the authority of the United States, are the supreme law of the land; and that the judges in every state are bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.

2. Resolved, That the judicial power of the United States extends to all cases in law and equity, arising under the constitution, the laws of the United States, and the treaties made under their authority; and that no state can rightfully enjoin upon its executive officers to disregard or resist by force any process or mandate which may be served upon it in such cases in due form of law, by authority of the courts of the United States.

3. Resolved, That it is the duty of the President of the United States, to take care that the constitution, the laws of the United States, and the treaties made under their authority are faithfully executed, any thing in the constitution, laws or acts of any state to the contrary notwithstanding.

4. Resolved, That the Senators and Representatives of the state of Massachusetts in Congress, be and they hereby are requested and instructed to use all the means in their power to preserve inviolate the public faith of the country, and to sustain the rightful authority of the government of the United States in all its departments.

5. Resolved, That his Excellency the Governor, be, and he hereby is requested, to transmit a copy of these resolutions to the Governors of all the other states, to the end, that they may be submitted to the legislatures of the same for their consideration; and also to the Senators and Representatives of the state in congress.

To the Assembly Transmitting An Act of the Legislature of Virginia Concerning a State Road.

Gentlemen:

I HEREWITH TRANSMIT COPIES OF A COMMUNICATION from the Governor of Virginia, forwarding an act of the Legislature of that state, providing for opening a road from Middlebourn, in Tyler

county, to a certain point in Greene county, in this commonwealth, to which I would invite the attention of the Legislature.

GEO. WOLF.

Harrisburg, March 29, 1831.

Virginia,

Executive Department, March 23, 1831.

Sir—I have the honor of transmitting to you a copy of an act passed by the General Assembly of this commonwealth, with a request, that you will have the goodness to lay it before the General Assembly of Pennsylvania.

This act is entitled an act for opening a road, in conjunction with the state of Pennsylvania, from Middlebourn, on Middle island creek, in Tyler county, to Samuel Hill's, in Franklin township, Greene county, Pennsylvania.

I have the honor to be,

With great consideration and respect,

Your obedient servant,

JOHN FLOYD.

His Excellency, George Wolf, Governor of Pennsylvania.

An act to provide for the opening a road, in conjunction with the state of Pennsylvania, from Middlebourn, on Middle island creek, in Tyler county, to Samuel Hill's, Franklin township, Greene county, Pennsylvania; passed March the twenty-third, eighteen hundred and thirty-one.

Whereas, the General Assembly of Virginia, by an act passed the eighth day of March, one thousand eight hundred and twenty-seven, authorised the executive to appoint two suitable persons as commissioners, to act in conjunction with commissioners appointed by the state authorities of Pennsylvania, to view and lay out a state road from Samuel Hill's, in Franklin township, Greene county, Pennsylvania, to Middle island creek, in Tyler county, Virginia; and the said commissioners having performed their duties; and it appearing that the opening of the said road will be of great utility; therefore for completing so much of the said road as lies within the limits of this state,

Be it enacted by the General Assembly, That the Governor of this commonwealth, be, and he is hereby authorised and requested to appoint a suitable person as commissioner to open so much of said road as lies between the said Middle island creek and the Pennsylvania line, upon the route designated by the commissioners aforesaid, beginning at the town

of Middlebourn on said creek; the said road to be at least thirty feet wide, to be cleared of all obstructions therein, and made suitable and convenient for the passage of wagons and other carriages.

Be it further enacted, That the said commissioner shall as soon as practicable after his appointment, proceed to lay off and let out the opening of said road in lots or parcels, as in his judgment may seem best, to any person or persons who may propose to undertake the same, upon the best terms to be obtained; the said commissioner having given notice, for the space of thirty days, of the time and place of letting out the said road, by advertisement at the court house of Tyler county, and at such other suitable place as the said commissioner shall select. The said commissioner shall require of the undertaker or undertakers, bond with sufficient surety, for the faithful performance and fulfilment of his or their contract or contracts, which bond or bonds shall be made payable to the governor of the commonwealth for the time being, and his successors in office, and shall be by said commissioner filed in the clerk's office of the county of Tyler; and in case of failure on the part of the undertaker or undertakers to perform his or their contract or contracts, or fulfil the condition of his or their bond or bonds, it shall be the duty of the attorney for the commonwealth for the court of Tyler county, upon the application of the said commissioner, or upon the affidavit of any individual, to commence suit on the said bond or bonds, and use all necessary means to compel the performance of any contract or contracts entered into with said commissioner, in opening said road.

Be it further enacted, That the said commissioner, previous to his entering upon the duties required of him by this act, shall take an oath before a justice of the peace of said county, that he will faithfully and impartially, to the best of his skill and judgment, perform the duties assigned him by this act; and that he will not contract for nor be concerned directly or indirectly with any person who may enter into a contract for making the said road or any part thereof; and shall moreover, enter into bond before the court of Tyler county, with sufficient security in the penalty of double the sum hereinafter appropriated for opening said road, for the faithful performance of the duties required of him by this act; which bond shall be made payable to the Governor of the commonwealth, for the time being, and his successors in office, and shall be deposited in the clerk's office of Tyler county: and in case of failure by the said commissioner to perform the

duties required of him by this act, the attorney for the commonwealth, in the court of Tyler county, shall cause suit to be brought upon said bond in that court, and shall take such steps as may be necessary to compel a compliance with the bond so entered into.

Be it further enacted, That the sum of five thousand dollars shall be and the same is hereby appropriated to the opening and completing the said road; which sum shall be paid to the said commissioner out of the public treasury, out of any money therein not otherwise appropriated, upon said commissioner or his agent producing to the auditor of public accounts, a certificate signed by the clerk of Tyler county, stating that bond and security had been given, as directed by this act; which certificate shall authorize the auditor to issue his warrant on the treasury for the sum hereby appropriated, or such portion thereof as may be required from time to time, by said commissioner, for completing the said road. The said commissioner is hereby required, as soon as the said road shall be completed, to report to the court of Tyler county, the manner in which he has expended the money appropriated by this act. The said road shall be kept in repair in the same manner, and be subject to the same regulations prescribed by law for keeping in repair the public roads of this commonwealth.

Be it further enacted, That the said commissioner shall be allowed the sum of one dollar and fifty cents per day, for every day he shall be necessarily employed in the aforesaid service; the number of days to be ascertained by the oath of the said commissioner, made before any justice of the peace in this commonwealth; a certificate of which shall entitle him to the payment thereof, out of the sum appropriated by the fourth section of this act.

Be it further enacted, That the Governor of this commonwealth be, and he is hereby requested to transmit to the Governor of the state of Pennsylvania, as soon as is convenient, a copy of this act, to be laid before the legislature of that state; and to request that steps may be taken by the proper authorities of said state for completing so much of the road laid out as aforesaid as lies within the territory of Pennsylvania.

Be it further enacted, That when an appropriation shall have been made on the part of the state of Pennsylvania for completing so much of said road as lies within the said state, and due notice thereof shall be received by the Governor of

this commonwealth, then this act shall commence and take effect.

Proclamation of Reward for the Apprehension of Lucretia Chapman, charged with Poisoning her Husband.

Pennsylvania ss.

[Signed] George Wolf.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. By GEORGE WOLF, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas I have received authentic information that a certain Lucretia Chapman alias county of Bucks stands charged with having been concerned in the murder by poison of her husband William Chapman, late of the same county, and having fled from justice, all efforts to arrest her by the officers of justice have hitherto proved ineffectual: And whereas, the reputation of the government, the peace and security of its citizens, and the obligations of justice and humanity require that the perpetrator of an offence so heinous should be brought to speedy and condign punishment. I have therefore thought proper to issue this proclamation, hereby offering a reward of One Hundred and fifty Dollars to any person or persons who shall apprehend the said fugitive within the county of Bucks, and secure her in the jail of the said county; and the sum of Three Hundred Dollars if the said offender shall be apprehended and secured in the jail of any other county of this Commonwealth, or if she shall be apprehended without the

limits of the State. Which sum or sums are to be paid on the conviction of her being concerned in the perpetration of the crime aforesaid. And all judges, justices, sheriffs, coroners, constables and other officers within this commonwealth, are hereby required and enjoined to be attentive and vigilant in enquiring after, and bringing to justice the aforementioned fugitive.

Given under my hand and the Great Seal of the State at Harrisburg, this seventeenth day of October, in the year of our Lord one thousand eight hundred and thirty-one, and of the commonwealth the fifty-sixth.

By the Governor.

Sam'l McKean, Secretary of the Commonwealth.

Lucretia Chapman alias Mina is about the middle size and apparently thirty-five years of age, her hair is light and her manners easy and prepossessing.

To the Assembly Transmitting the Resignation of Isaac D. Barnard of his Seat as a Senator of the United States.

Gentlemen—

I HAVE THIS DAY RECEIVED A COMMUNICATION from the Hon. Isaac D. Barnard, resigning his seat as a Senator in the Congress of the United States, copies of which will be laid before you.

GEO. WOLF.

Harrisburg, December 7, 1831.

West Chester, December 6th. 1831.

Sir—I hereby resign my seat as a member of the United States Senate, and I request that this fact may be communicated to the Senate and House of Representatives of Pennsylvania.

I am, with respect,
Your ob't. serv't.,

I. D. BARNARD.

His Excellency, Geo. Wolf, Governor of Pennsylvania.

Annual Message to the Assembly—1831.

Fellow Citizens:

AMONG THE MANY ARDUOUS AND RESPONSIBLE duties enjoined upon the executive by the constitution, there is none which, in its faithful performance, calls for more careful consideration and serious reflection than that of arranging the details, which, that it may answer the design intended, ought to enter into the annual message usually transmitted to the General Assembly at the opening of its session.

It was doubtless the design of those, by whom it was deemed to be of sufficient importance to make it a subject of constitutional direction, that every such document should be so framed and adjusted as to contain a succinct, but faithful narrative of the true state of the commonwealth, exhibiting distinctly and without disguise, to the representatives of the people and to those whom they represent, all such prominent acts and measures adopted and transacted in the course of the administration of its affairs as immediately affect the public interests or require legislative action and recommending the adoption of such measures, for their deliberations, as in the opinion of the executive will best tend to promote the general welfare and to ensure the prosperity and happiness of the people.

In approaching the performance of this difficult undertaking, I feel myself relieved from much of the embarrassment which a different state of circumstances would have occasioned, by the consideration that whatever aspect the state of the commonwealth may present to the view of others, I feel myself warranted in declaring it as my deliberate opinion, that there has not been a period in the history of Pennsylvania, taking into consideration its present prosperous condition and its magnificent future prospects, when there was greater cause for mutual congratulation, and for de-

vout aspirations of gratitude to the great Dispenser of every blessing, than that which the unexampled state of prosperity of this rich and flourishing commonwealth now presents. What citizen of Pennsylvania does not feel the honest glow of patriotic pride and unfeigned satisfaction in the contemplation of the eminent advantages possessed by his native or adopted State—in its abundant resources—the elevated position it occupies among its sister states—its numerous benevolent and charitable institutions—its extensive public improvements, finished and in progress towards completion, giving assurance of an ample and speedy return, sufficient to compensate for all the disquietude and uneasiness which the unavoidable delays, the heavy expenditures and the many difficulties and embarrassments, that occurred in the course of their construction, have occasioned—its vast and almost unlimited agricultural, commercial, manufacturing and mineral wealth—its healthful climate, its rich, luxuriant soil, its extensive and well established credit, and its citizens enjoying every where in rich profusion all the necessaries and all the comforts and conveniences of life. With advantages such as these and in a state of unprecedented prosperity, such as is distinctly seen and felt in every section of this highly favored commonwealth, the language of complaint ought not to be heard, and poverty and want, the consequence sometimes, indeed, of accident or some peculiar casualty (which the humanity of our citizens will not suffer to remain long unrelieved,) but more frequently to be traced to indolence and vice, ought rarely to be seen within our borders.

Extending our views beyond the limits of our own state, we have abundant cause for unaffected felicitation and profound gratitude in the contemplation of our increasing greatness as a people, whose progressive improvement has been rapid and extensive beyond the

example of any other nation, and the dignified and enviable superiority of whose government, institutions and laws, in comparison with those of every other country, furnishes a subject for universal admiration and respect abroad, and inspires a laudable patriotic pride, veneration and confidence at home. Blessed with peace and tranquility and a disposition to cherish and preserve them—with an extended commerce rendering tributary to us the resources of other nations and enhancing the value of our own productions; a rich profusion of agricultural products commanding generous prices, liberally rewarding the toil and labor of the industrious farmer; a sound currency circulating freely and without impediment or loss in every section of the Union; an overflowing treasury and a public debt nearly extinguished. Our domestic industry encouraged and protected; and possessing a sufficient guarantee in the opinions heretofore entertained and expressed, by the venerable patriot at the head of the general government, that internal improvements, of a national character, will not be permitted to languish; we may indeed appreciate with becoming confidence and with feelings of patriotic exultation, the unexampled success which has attended our republican form of government, formerly considered an experiment of doubtful efficacy, to sustain itself against all the variety of changes and embarrassing perplexities to which, in the course of its manifold and political probations, it would necessarily be exposed; but since proved by the unerring test of time and the experience which a combination of adverse circumstances, the consequence of occasional popular commotions, but more recently of a protracted and vindictive war with a powerful foreign nation, has furnished, not only to possess the capacity to secure to its citizens a greater amount of true happiness and enjoyment, and of temporal bliss and prosperity than is conferred by differ-

ently constituted governments elsewhere, but also to combine the strength and energy, necessary for national security and protection, with the firmness and stability which eminently fit it for every vicissitude to which, governments are exposed in the ever varying course of events.

But whilst we are indulging in congratulations with regard to the general prosperity of our common country, and adverting to the extensive artificial improvements constructed and in progress in our own commonwealth, may I not be permitted, at the same time, with the sensations of unaffected exultation and delight, which the deep interest all must feel in the subject, cannot fail to inspire, to direct your attention to, and to congratulate you upon, its recent extraordinary moral improvement, exemplified in the gradual, but clearly perceptible, decrease of crime of every grade and description, and especially in the manifest diminution of the number of victims to that most degrading of all vices, intemperance, the genetrix of crime; and to which most vices owe their depraved origin: but upon which the philanthropic efforts of the wise and the good every where, aided by the force of public opinion, have stamped the seal of reprobation and doomed it to such an overwhelming measure of odium and ineffable contempt, as even the unfortunate votary, with habits the most inveterate and confirmed, cannot assume the hardihood to brave or to resist. The entire prohibition of the use of ardent spirits to persons employed upon the public works, now constructing by the State, would, there is reason to believe, greatly aid in still further extirpating this loathsome and destructive moral contagion from amongst us, be attended with the most happy consequences to the individuals themselves, and produce results highly beneficial to their employers and to the State.

A kindred evil to that of intemperance, however,

equally ruinous to the morals and destructive of the comfort and happiness of the community, is the practice of selling foreign lottery tickets, and the drawing of lotteries within this commonwealth, which has been permitted to progress for many years, and is still tolerated amongst us; no successful effort having hitherto been made to arrest it. And so long as we shall have a lottery drawn within the State, by authority of law, we must expect a continual influx of tickets upon us from other states, the sales of which will be cloaked and connived at, under the legalized sales of tickets of the Union Canal lottery. And such is the infatuation produced upon the community, by this fascinating and alluring enticement to adventure, that until there shall be no longer a vestige of a lottery authorized by law, tolerated in the State, the several acts of assembly, providing severe penalties against the venders of foreign or unauthorized lottery tickets, will remain a dead letter, and will not be enforced against offenders. The Union Canal Company having heretofore transferred the right accruing to them, under the several acts of assembly authorizing the lottery, to Yates and McIntyre, citizens of the State of New York, and the contract of transfer having recently been renewed with the transferee, Mr. M'Intire, for two years, from the first day of January next, I would recommend that after the expiration of that period, or sooner if practicable, such arrangements with the company, should, if possible, be made, consistent with good faith, as would relieve the commonwealth from a great and apparently interminable moral evil. It is believed that by expunging from the statute book the last act to be found there in favor of lotteries, a great and lasting benefit would accrue to the community at large, as the foundation upon which the mischief rests would then be entirely eradicated; and by providing for a rigorous prosecution of the laws already in force

against the venders of foreign tickets, and of tickets issued in our own State, without the authority of law, an end would soon be put to a grievous and growing moral malady, and the community would be relieved from a species of taxation, which, although voluntary, is of the most onerous, oppressive and ruinous kind.

As a grain growing State, Pennsylvania is not excelled by any of her sister States; and much has been done by former legislatures to encourage an increase of her agricultural productions, by making liberal appropriations for opening avenues to market, by means of artificial or turnpike roads, and for the erection of firm and substantial bridges: and much is still in progress to be done further to facilitate the intercourse between the interior of the State and its principal cities, by means of canals and rail roads; which will not fail to have a beneficial tendency in favor of extending and diffusing the business of agriculture more generally throughout the state, and of infusing into our farmers a spirit of laudable ambition to excel as well in the quality as in the quantity of their productions; by means of which the general wealth of the State, as well as that of individuals, will be greatly increased. It is believed, however, that the condition of our agriculturalists might be still further improved by fostering and encouraging, by judicious legislative enactments, the culture of a greater variety of productions, and the improvement, as well in the art and manner of producing as in the kind and quality of the thing produced. It is generally supposed, that neither the soil nor the climate of Pennsylvania are adverse to the culture of the vine or the mulberry tree, and that both wine and silk might, in a short time, with proper attention, and the aid of legislative encouragement, be raised in such sufficient quantities as to furnish, if not a part of our staple for exportation,

at least an adequate supply for home consumption. Besides, there is reason to believe that the former, if successfully cultivated, would, in addition to the advantages it would confer upon the producer, have a salutary moral influence upon society, by lessening, in a great measure, the sum of human misery in the diminution of the use of ardent spirits, as a substitute for which it would in all probability be used, and thus aid the philanthropic efforts of the friends of temperance in speedily removing from the community one of the most deplorable and destructive calamities with which the human family ever was afflicted.

Would not the encouragement of societies in each county, to give effect to the objects I have mentioned, and to be formed upon such principles and under such regulations as the legislature should prescribe, give a healthful and vigorous impetus to agricultural enterprise, and stimulate, in the industrious practical farmers of our State, a laudable spirit of emulation to surpass each other in the art of producing, and in the variety, the superiority and abundance of their productions? To awaken an interest upon this subject, small annual appropriations might be made, to be distributed among the several societies, and by them dealt out in the shape of premiums, to such as should merit them, which would not fail to excite a wholesome emulation among a valuable class of citizens, and add to the wealth and prosperity of the country without injuriously affecting the public treasury.

The improvement of the mind should be the first care of the American statesman, and the dissemination of learning and knowledge ought to form one of the principal objects of his ambition. Virtue and intelligence are the only appropriate pillars upon which a Republican Government can securely rest; without these, liberty itself would soon degenerate into licentiousness, and our free and liberal institutions, so highly

cherished by ourselves, and so much admired and respected by the wise and the patriotic of other nations, would be ingulphed in anarchy, and become the reproach of their friends and the derision of the enemies of the equal rights of man in every quarter of the globe. Under these impressos, no opportunity has been omitted earnestly to press upon the attention of the legislature, the indispensable necessity of establishing by law a general system of common school education, by means of which, in the language of the constitution "the poor may be taught gratis," and that the benefits and the blessings resulting therefrom may be extended to the rising generation, indiscriminately and universally.

It is cause for no ordinary measure of gratification, that the legislature, at its last session, considered this subject worthy of its deliberations, and advanced one step towards the intellectual regeneration of the State, by laying a foundation for raising a fund to be employed hereafter in the righteous cause of a practical general education; and it is no less gratifying to know, that public opinion is giving strong indications of having undergone a favorable change in reference to this momentous measure, and by its gradual but powerful workings, is fast dispelling the grovelling fallacies, but too long prevalent, that gold is preferable to knowledge, and that dollars and cents are of higher estimation than learning. This powerful lever, by which the actions of men are principally regulated, is fast approaching a crisis in relation to this much agitated question, and there is reason to believe, will speedily induce legislative action in reference to it; not, it is hoped, however, too speedily for maturing a well digested system, possessing that degree of perfection by which it will be rendered generally acceptable to the people, and have a tendency to realize the ardent hopes and fond anticipations of its many warm and zealous friends. A system that would not have such a tend-

ency, but would be received with dissatisfaction by the people, would have the unhappy effect of blasting for a time the anxious expectations of the advocates of general education; of reviving former prejudices, and of retarding for many years the progress of intellectual improvement. In order therefore that a system, the most perfect that can be devised, and one that will be best adapted to the views and wishes of our constituents, may be projected in the first instance, should any difficulties occur, in the course of your deliberations in relation to the subject, or in regard to the most eligible plan to be adopted, I would suggest for your consideration the propriety of appointing a commission, to consist of three or more talented and intelligent individuals, known friends of a liberal and enlightened system of education, whose duty it should be to collect all the information, and possess themselves of all the facts and knowledge, that can be obtained from any quarter, having a bearing upon, or connection with, the subject of education, and to arrange and embody the same in a report, to be transmitted to their legislature at their next session, for examination and final action thereon. Such a course, there is reason to believe, would tend more than any other to elicit much valuable information that could not otherwise be obtained, would facilitate the progress and final completion of this much desired work; and would not fail to secure for it a greater measure of perfection than could under other circumstances be attained.

The policy of a protecting tariff and the encouragement given to works of internal improvement, of a national character, by the general government, are favorite measures with the people of Pennsylvania, and the former is esteemed by them as being identified with their best interests. The constitutionality of these measures is not questioned here, nor is there any doubt entertained of their entire expediency; and much

as we may regret that complaints, with regard to the supposed oppressive character and bearing of one of those measures, should obtain elsewhere; yet from the universal prosperity that is admitted to abound in every part of our happy country, there is reason to doubt whether the prevailing discontents are well founded; and we are admonished to restrain our sympathies in behalf of our complaining brethren, lest in lending ourselves to aid in relieving them from an imaginary oppression, we put ourselves in a condition to be seriously oppressed. Upon these all engrossing questions of national policy, the voice of Pennsylvania has been repeatedly expressed through her State legislature, as well as by her representatives in congress, and so long as she shall continue to place a proper estimate upon her own prosperity and the success of her infant manufacturing establishments, she will not cease to cherish the same sentiments in favor of measures indispensable to the successful fostering and encouragement of her domestic industry and enterprise.

The policy of abolishing imprisonment for debt is a subject which has for some time past occupied the attention of the humane and philanthropic portion of our citizens, and has awakened a deep interest in many parts of the Union, to have this harsh feature eradicated from the jurisprudence of our country. Pennsylvania has always been remarkable for the mildness of her laws, and has uniformly been in advance of her sister States in all legislative enactments founded upon the principles of humanity, or having for their object the security of personal liberty—hence it is, that she can lay a rightful claim to the proud distinction of having been the first State in the Union to have virtually abolished imprisonment for debt by the mild provisions of her insolvent laws. A citizen of Pennsylvania, who has not been guilty of fraud, and complies with the provisions of the several acts made for the

relief of insolvent debtors, cannot now be imprisoned for debt in this State: with this legislative arrangement, both debtor and creditor appear to be satisfied; and how far a further exemption of the person of the debtor, from execution or imprisonment for debt, would really benefit the indigent class of our citizens, is a question worthy of grave and serious consideration. Short credits are, it is believed, essential accommodations, without which the comforts of the poor man would be greatly curtailed, and although by exempting his person from execution altogether, in certain cases, his immunity from restraint would be enlarged, yet it can scarcely be doubted, that, from that very cause, his difficulties to obtain credit for even the necessaries of life would not fail to be greatly increased. To guard the public against frauds and to confine the provisions of the law to the honest poor, would be attended with no inconsiderable difficulty: should the subject, however, be presented for your consideration, it will doubtless receive the attention to which its importance will entitle it.

Although our State can boast of as mild, as perfect and as efficient a code of laws as an enlightened course of legislation could produce, or as a well regulated community could reasonably desire; yet there are complaints, and it is believed many of them are well founded, not indeed of any defect in the laws, but of vexatious delays occurring in the judicial administration of them; not ascribable to any want of ability, fidelity, industry or zeal in those whose duty it is to administer them, but owing principally to a defective organization or arrangement of the Judiciary System itself, and an injudicious distribution of duties to be performed, and of the public business to be transacted, among the several tribunals charged with their execution. This is a subject of too grave a character and altogether too important in its consequences to every one of us, to

be passed over lightly or treated with indifference. The highest judicial tribunal in the State; the court in the last resort; from whose decrees and judgments there is no appeal: and whose decisions and the principles established by them are to constitute the laws of the land, and to continue to be binding upon us and our posterity to the remotest generation; has become so completely surcharged with business, arising from the nature of the duties that have been heaped upon it by the revival of the circuit court system, the natural increase of a spirit of litigation consequent upon a rapid and extraordinarily increasing population, and the manifold and diversified pursuits in which that population is engaged, that the whole of the time of the judges is indispensably devoted to the hearing and hurried decision of causes—I say the hurried decision of causes, because from the interminable mass of business before them, which is continually increasing, and upon which their unwearied industry and untiring efforts can make no impression, there is no time for research, examination or reflection—the supplicating, anxious appeals of the suitors impel the judges to an exertion of all their energies to rid the docket of its cumbrous and oppressive load, and decisions are, and necessarily must be hastily made, to enable them to progress with the celerity which the necessities of the country and a desire to despatch the public business require. Hence the frequent difference of opinion that but too often manifests itself upon the bench, tending to create doubt and uncertainty as to what the law really is, and which will, it is to be feared, ultimately lead to a want of confidence in our judicial decisions. It is due to the judges that they should be measurably relieved from an excess of labour; it is due to their reputations as jurists and to the character of their decisions, that they should have some leisure for reading and reflection; but above all, it is due to the good

people of the State, in reference to the security and protection of their persons, their reputations and property, that the Judiciary branch of the Government should be so constituted, as to afford them that security and protection, by a prompt, vigorous and wholesome administration of the laws. It is to the General Assembly that the people anxiously look for relief in this important particular—some of the existing evils have been attempted to be pointed out—and there is every confidence that the remedy will be applied.

Standing armies have always been considered as being dangerous to liberty and will not be tolerated in a free country—a well regulated militia is the only kind of military force to which freemen should resort for defence upon any sudden emergency, either of invasion or rebellion: but to make that species of force effective, in Pennsylvania, would require a change in its organization and the manner of its discipline, entirely different from those which now exist. It is universally admitted that the present system is greatly defective in its provisions and in its details, and oppressively burdensome to those upon whom it operates, without accomplishing any adequate, useful purpose.

Volunteers should be encouraged by every honorable incitement tending to induce an increase of that valuable and efficient portion of our military strength—immunities should be granted, privileges conferred, and every facility afforded and provision made for the prompt organization and complete military equipment of all who are willing to enrol themselves in corps of that description.

It is altogether questionable, whether any thing can be done to render the militia, as such, a better disciplined or more formidable force that it already is, without the sacrifice of more time and the introduction of a more rigorous enforcement of military tactics and discipline than in a state of peace would be either

useful or necessary. More knowledge of the military art, it is believed, would be acquired in one week of actual service, than is obtained in years by the ordinary militia trainings as at present practised.

It is gratifying however to learn, that a military spirit honorable to our citizens, has recently been awakened in many parts of the State, and that a laudable desire to invigorate this arm of our defence, and to cause a more perfect system to be provided than has hitherto obtained, has been generally manifested.

Much valuable information will in all probability be speedily elicited from that source, and should the General Assembly feel disposed to apply the panacea of legislative reform, in accordance with public expectation in relation to this subject, it will give me much pleasure to co-operate with them in any measure that will tend to relieve the system from its objectionable features and those who are embraced within its provisions from its present onerous and useless exactions.

In compliance with the directions contained in the sixth section of the act of the 21st March last, entitled "an act to continue the improvement of the State by canals and rail roads," public notice was given in newspapers published at the seat of government and in the city of Philadelphia, that proposals would be received at the office of the Secretary of the Commonwealth, until a certain day mentioned in the notice, for loaning to the commonwealth for internal improvement purposes the sum of two millions four hundred and eighty-three thousand one hundred and sixty-one dollars and eighty-eight cents, (the sum authorized by the act aforesaid to be borrowed,) reimbursable at any time after the expiration of twenty-five years from and after the first day of July then next. Among the several proposals received (copies of which will be laid before you) that of the bank of Pennsylvania.

containing an offer to take the entire loan at a premium of six per cent. or one hundred and six dollars in money for every one hundred dollars of stock to be created under the act, bearing an interest of five per cent. was accepted, by which transaction the State will receive the very liberal bounty of one hundred and forty-eight thousand nine hundred and eighty-nine dollars and seventy-one cents. Of the loan thus made, the sum of one million six hundred and ninety-three thousand two hundred and sixty-four dollars and seventy-two cents has been received and applied to the repayment of the temporary loan authorized by act of 12th January, 1831—for the relief of certain turn-pike roads, as directed by the act of 21st March last—towards payment of interest which became due on loans on the first day of August last, as authorized and directed by the last mentioned act—in disbursements for work done under old contracts and for payment for labour performed under new contracts, in pursuance of the directions contained in the same act. The reports of the commissioners of the internal improvement fund, and of the board of canal commissioners, will shortly be laid before you, and will exhibit, in detail, the several disbursements, made out of the sums drawn on account of the loan aforesaid, from which it will appear, that the payments on contracts authorized prior to the passing of the act of the 21st March last, amounted to a larger sum than had been anticipated, which will induce the necessity of a pro rata deduction from the several specific appropriations authorized by that act.

The loan of three hundred thousand dollars authorized by the act of 30th March last, entitled "An Act authorizing a loan of monies to be invested in the internal improvement fund to be applied to the payment of repairs, damages and other demands upon said fund and for other purposes," was, after due notice

given, also taken by the Bank of Pennsylvania, that institution agreeing to pay one hundred and six dollars in money for every one hundred dollars of stock to be created under the said act, bearing an interest of five per cent, that being the best offer received for the entire loan was accepted, yielding to the Commonwealth the further sum of eighteen thousand dollars in the shape of a premium or bounty to be applied in aid of the general interest fund. The whole amount of this loan has been drawn and expended upon the several objects and for the several purposes to which by the act aforesaid it was directed to be applied. The season having been unusually humid and rainy, breaches in the canal, where the banks had not yet become firm, were more frequent than would have been the case in an ordinary season, besides some of the streams were raised by sudden freshets to such height, as to cause great injury and destruction, not only to the works in their immediate neighbourhood, but also to the dams erected upon them, which called for a larger expenditure of money for repairs than would otherwise have been required. As there is no fund left therefore to meet the claims for repairs, or for damages along the several lines of canal and rail way, or for the payment of wages of superintendents, collectors, supervisors and lock-keepers, an immediate duty will devolve upon the General Assembly to make such provision to meet the several enumerated objects as in their wisdom they shall find to be expedient and necessary.

The finances of the commonwealth derived from the ordinary sources of revenue established for the support of Government, and those pledged for the payment of the interest accruing upon loans, do not vary materially from those of the last year. By an act of Assembly passed the fourth day of April last, the Auditor General and State Treasurer are required to

close their financial year on the last day of October, instead of the last day of November of each year, as had been theretofore established by law, in consequence of which alteration their accounts transmitted to the clerk of the House of Representatives, at the present sessions, will exhibit the financial transaction at the Treasury for eleven months only, and not for an entire fiscal year, as formerly. From the report made by these officers it will appear that the balance in the Treasury on the first day of November last was one hundred and twenty four thousand four hundred and eighty two dollars and eighty-two cents; the receipts into the treasury for eleven months from the 1st of December 1830 until the 31st. of October 1831, exclusive of loans, but including the premiums paid upon loans, amounted to seven hundred and nine thousand and thirty dollars and three cents; the disbursements for the same period, excluding the sums for internal improvement fund and for internal improvements but including the sum of ten thousand four hundred and twenty five dollars and eighteen cents paid to turnpikes and to commissioners for improving the public ground at Harrisburg, amounted to three hundred and seventy one thousand two hundred and ninety-five dollars and sixty cents, leaving an excess of receipts over ordinary expenditures of three hundred and thirty seven thousand seven hundred and thirty four dollars and forty three cents; for the disposition of this sum and the balance of one hundred and forty nine thousand four hundred and thirty dollars and seventy nine cents which remained in the Treasury on the first day of December, 1830, amounting in the aggregate to the sum of four hundred and eighty seven thousand one hundred and sixty five dollars and twenty-two cents; I would respectfully refer you to the several reports of the Auditor General and of the Commissioners of the internal improvement fund.

The magnificent enterprise in which Pennsylvania is now engaged in the construction of her stupendous works of internal improvement; the magnitude and extent of her loans, to enable her successfully to prosecute those works; and the necessity, that has occurred, to resort to the enactment of revenue laws, to secure the establishment of a permanent fund for the payment of interest; are all of them subjects in which the people have a deep interest, and about which they have a just claim to be correctly and minutely informed. The alarms and apprehensions, however unfounded, which the imposing grandeur, the extent, the diffusiveness and the supposed expensiveness of the works, as they enter into the grave discussions, and are introduced into the serious speculations of the day excite, and the gross misrepresentations to which they are not unfrequently most unjustifiably subjected, will furnish a sufficient justification, it is presumed, for submitting to the people, through the medium of the executive message, transmitted on the present occasion to their representatives, a brief account of the origin and progress of the system of internal improvement adopted and prosecuted in this state—and it is the more gratifying that the occasion, of entering upon the performance of that part of my duty to our common constituents, happens at a time when the public works have been so far progressed in, that a large proportion of them are now in full operation, and are giving earnest of extensive future usefulness; when others of them, of considerable extent, will be in a condition for active business early in the next season; and when the residue of those under contract will, it is confidently believed, be finished and in operation in all the next season or early in the summer of eighteen hundred and thirty-three.

To make the subject plain and intelligible to every capacity is my earnest desire, and for that purpose it

will be necessary to commence with the movements of the people themselves, to which, it is believed, the scheme of improvement is indebted for its origin, and to enter somewhat minutely into the legislation of the State, which succeeded those movements, commencing with that which took place in the session of 1826, and tracing it down to the present time. Although surveys and examinations had been directed in some parts of the State, and some of them had been actually made, and arrangements preparatory to the commencement of a system of improvement were in progress; yet it is believed that the celebrated Canal Convention which assembled at Harrisburg in the month of August, 1825, gave the first impulse to public sentiment in favor of commencing a system of internal improvement, within the State, upon an enlarged and extensive scale. By that convention, composed of one hundred and thirteen members, representing forty-six counties, and combining as much talent, respectability of character, and there is reason to believe, as much genuine patriotism as could be found in the same number of individuals, any where; resolutions were adopted declaring it, among other things, to be the opinion of the convention, "that the improvement of the commonwealth would be best promoted and the foundations of her prosperity and happiness most securely established by opening an entire and complete communication from the Susquehanna to the Allegheny and Ohio and from the Allegheny to Lake Erie, by the nearest and best practicable route, and that such a work is indispenably necessary to maintain the character and standing of the State and to preserve her strength and resources." Other resolutions were passed by the convention, in which they expressed their views in relation to the manner in which the public works ought to be prosecuted, &c. And so entirely did public opinion at that period coincide with the views of the conven-

tion, in reference to the propriety of making, in the language of the resolutions, "a vigorous and united exertion for accomplishing without delay the connexion of the Eastern and Western waters," that at the very next session of the General Assembly an act was passed, entitled "an act to provide for the commencement of a canal to be constructed at the expense of the State, and to be styled "The Pennsylvania Canal," (approved the 25th February, 1826,) authorizing the commissioners appointed by a former act immediately to locate and contract for making a canal and locks and other works necessary thereto from the river Swatara, at or near Middletown, to or near to a point on the east side of the river Susquehanna, opposite the mouth of the river Juniata, and from Pittsburg to the mouth of the Kiskiminitas, and also as soon as they should deem it expedient and practicable to construct a navigable feeder of a canal from French creek to the summit level at Conneaut lake, and to survey and locate the route of a canal from thence to lake Erie, and the sum of three hundred thousand dollars was appropriated for carrying the provisions of the act into effect. And by the act of the 1st April of the same year, the Governor was authorized to borrow, on the credit of the commonwealth, the sum of three hundred thousand dollars, to be vested in the commissioners of the internal improvement fund, to be applied to the construction of so much of the Pennsylvania canal as was then authorized by law to be made or constructed. In pursuance of the provisions of the several acts just recited, there were in that year (1826) put under contract by the board of canal commissioners twenty-two and an half miles of canal on the Susquehanna and twenty-four miles on the Allegheny river, making a total of forty-six and an half miles—the disbursements for the construction of which for that year, including preliminary surveys, &c. amounted to one hundred and forty-

one thousand and seven hundred and thirty-one dollars and thirty-eight cents. This legislative effort of the session of 1826, laid the foundation of a system of internal improvement, which, as might easily have been foreseen, could not fail ultimately to lead to the expenditure of large sums of money on the part of the State for that object: No alarm however appears to have been excited in the public mind in regard to what had taken place, but such on the contrary was the calm and silent acquiescence on the part of the people, that at the succeeding session of the legislature, another act was passed and approved by the governor on the 9th April, 1827, entitled "an act to provide for the further extension of the Pennsylvania canal"—by which the board of canal commissioners was authorized and required to locate and contract for making a canal up the valley of the Juniata from the eastern section of the Pennsylvania canal to a point at or near Lewis-town—also a canal, locks and other works necessary thereto up the valley of the Kiskiminetas and the Cone-maugh from the western section to a point at or near Blairsville—and also a canal, locks and other works necessary thereto up the valley of the Susquehanna, from the eastern section of the Pennsylvania canal to a point at or near the town of Northumberland—also to commence operations on the feeder from French creek to the summit level at Conneaut lake, and to contract for so much as might be adapted to either of the routes in contemplation for connecting the Pennsylvania canal with lake Erie, for which latter object the sum of one hundred thousand dollars was appropriated. The act further directed, that if it should appear, after suitable examinations, that a navigable canal could be constructed between a point at or near Philadelphia or at Bristol, or any intermediate point between Bristol and the head of tide water and a point at or near the borough of Easton, then with the

consent of the governor the board of canal commissioners were authorised, during the then ensuing season, to locate and contract for making a portion of said navigable communication, the expense of which should not exceed one hundred thousand dollars. Numerous other surveys and examinations were authorized to be made, and the sum of one million of dollars was appropriated to be applied in the manner and for the purposes mentioned in the act. In pursuance of the directions contained in the act just recited, there were put under contract in that year eighteen miles of canal on the Delaware from Bristol upwards; forty miles on the Susquehanna from the eastern division to Northumberland; forty-four and an half miles on the Juniata from its mouth to Lewistown; fifty-one miles between Blairsville and Pittsburg, and nine miles of the French creek feeder; making an aggregate of one hundred and sixty-two and an half miles of canal; the disbursements on account of which for that year amounted to nine hundred and thirty-one thousand nine hundred and seventy-five dollars and ninety-one cents.

I have been thus particular in referring to the several works directed to be put under contract by the act of 1827, because it was the commencement of a scheme of diffusive and unconnected works of improvement, and without expressing any opinion with regard to the wisdom of the measure, (which at this time would be altogether unavailing) I would simply refer those, who now object to that course of improvement and insist that the legislation of 1831 in reference to our public works should have been arrested, to that period as the one at which a successful intervention to stay the further progress of the public works might have been attended with consequences of a less injurious character than could have been the case at any time since. Whether the policy adopted by the legislature,

in passing the act of 1827 was sound or otherwise, is not now the question. The people sustained it, and evinced their satisfaction with the measure by again electing a majority of representatives to the General Assembly, favorable to a continued perseverance in further extending and prosecuting works of internal improvement; and on the 24th March 1828 another act was passed, entitled "an act relative to the Pennsylvania canal and to provide for the commencement of a rail road to be constructed at the expense of the state and to be styled the Pennsylvania rail road." By this last mentioned act the board of canal commissioners was authorized to contract for making canals, locks, and other works from the commencement of the Pennsylvania canal, at or near the mouth of the River Swatara, to Columbia, in Lancaster county, from Lewistown, to the highest point expedient and practicable for a canal on the Juniata; from a point at or near Northumberland to Bald Eagle on the West Branch; from Northumberland to the New York state line on the North Branch; from a point at or near Taylor's ferry to Easton; and from Blairsville to the highest point expedient and practicable for a canal on the Conemaugh; providing, however, that only ten miles from the River Swatara to Columbia; not more than twenty five nor less than twenty on the west branch, and not more than forty five nor less than fifteen miles, of each of the other sections, should be put under contract during that year. The rail road across the Allegheny mountain was directed to be located &c. with a view of connecting the Juniata and Conemaugh sections of the Pennsylvania canal and the rail road from Columbia to Philadelphia was directed to be put under contract within that year, with a view to its completion within two years or as soon thereafter as practicable; the act authorized further examinations and surveys and a loan of two millions of dollars.

In virtue of the provisions of this act, there were put under contract in 1828 ten miles & an half of the French Creek feeder, twenty six and an half miles of canal from Blairsville up the Conemaugh, forty five miles on the Juniata, twenty three miles on the west branch, forty five miles on the north branch, thirty five miles and an half on the Delaware, and ten miles between Middletown and Columbia, making in the whole one hundred and ninety five miles and an half of canal; forty miles and an half of rail road formation were also put under contract between Columbia and Philadelphia and the disbursements required for that year amounted to the sum of two millions seven hundred and eighty five thousand six hundred and twelve dollars and twenty four cents.

The act of 24th March, 1828, was followed by that of the 22d of April 1829, entitled "an act relative to the Pennsylvania canal and rail road," directing the canal commissioners to cause so much of the contracts already made upon the different lines of canal and rail ways to be completed within that year as should be practicable, and requiring them to enter into contracts for the execution of those sections on the Delaware division of the Pennsylvania canal between Bristol and Easton, and the sections of the North Branch division between Northumberland and Nanticoke Falls which had not yet been commenced, and to complete the same if practicable within that year, and the sum of two millions two hundred thousand dollars was directed to be borrowed and appropriated to the several objects contemplated by the act. The works put under contract in pursuance of the directions of this act, were six miles and an half of canal on the Delaware, and nine miles on the North Branch, division and the amount of disbursements required for that year (1829) was three millions seven hundred and thirty-

three thousand five hundred and forty five dollars and ninety two cents for canal and rail road purposes.

From the foregoing exposition of the course of legislation that obtained from eighteen hundred and twenty six until the close of the year 1829, it will be seen, that extensive sections of canal and rail road formation were authorized to be put under contract during that period, and that large appropriations were necessarily called for from year to year to carry those contracts into execution; that during and until the close of the administration of my predecessor, four hundred and twenty miles of canal, according to the reports of the board of canal commissioners, but actually amounting to four hundred and twenty two and an half miles, and forty miles and an half of rail road formation, had been put under contract, which have required, as will be shown hereafter, and still require the disbursement of nearly the whole amount of the large sums of money that have hitherto been borrowed from year to year for internal improvement purposes, but so partial were the majority of the people to their favorite project of the internal improvement of the State, that it was not until the unpropitious and unfavorable course of things which occurred in the summer of eighteen hundred and twenty nine, when the credit of the commonwealth became depressed, and the confidence of capitalists and of monied institutions had been shaken in regard to the sufficiency and ability of the fund pledged for the payment of interest, when permanent loans could not be obtained and money could with difficulty be borrowed on temporary loan to answer the pressing emergencies of the State, and when the late executive was reduced to the necessity of requiring a special session of the legislature to relieve the commonwealth from the embarrassments which were pressing upon it on every side, that any uneasiness or alarm was discoverable on their part;

nor had any opposition to a progressive system of improvement until then manifested itself by petition, or in any shape other than by the negative votes of members of the legislature constituting the minority in either house. It was this unpropitious state of the commonwealth's affairs that induced the message of the 14th day of January, 1830, to the two Houses, exhibiting the state of indebtedness of the commonwealth and pressing upon them the urgent necessity of providing a fund for the payment of interest which should be both ample and permanent. This measure was again earnestly pressed in the last annual message to the legislature, and in that accompanying the return of the bill of the 21st March last entitled "an act, to continue the improvement of the state by canals and railroads" to the House of Representatives. What ever may have been the effect of these several messages, one thing is certain, that in a very short time after the first of them had been read in the two houses, capitalists and monied institutions vied with each other as to which of them should obtain the State loans; high premiums were offered and obtained, under the conviction and in the entire confidence that an adequate fund for the punctual semi-annual payment of the interest would be established, the commonwealth has ever since been enabled to borrow all such sums as her exigencies from time to time required, upon terms highly advantageous to her financial operations and flattering to the state of her credit, and the sum of three hundred and eighty-six thousand nine hundred eighty nine dollars and seventy one cents, has since been paid into the Treasury in the shape of premiums upon loans. To this prosperous condition, in which the credit of the state has been placed, is to be ascribed the delay for the necessity of calling upon the people for their contributions to supply the interest fund, the premiums paid upon loans having, until the

last semi-annual payment of interest which became due on the first of August last, so far aided in replenishing that fund as to enable it to meet the entire payment of the interest as it became due. On the day last mentioned, however, a deficiency in that fund amounting to the sum of twenty six thousand two hundred and seventy six dollars and ten cents occurred, for which sum it became necessary to resort to the general appropriations for the construction of canals and rail roads as authorized by the act of the thirtieth of March last. As however this mode of supplying the interest fund by premiums to be paid upon loans cannot be expected to continue, and would, under any circumstances, be too capricious and unsafe to be relied upon; and as there is reason to believe, that increasing deficiencies will occur, in the interest fund, for a time, until the tolls arising from the public works shall be sufficient to supply them (for information in relation to which the general assembly is referred to the report of the commissioners of the internal improvement fund,) it will become necessary to supply those deficiencies by a resort to the revenues authorized to be collected by the several acts of assembly, entitled an act assessing a tax on personal property, to be collected with the county rates and levies, for the use of the commonwealth, and "an act to increase the county rates and levies, for the use of the Commonwealth," passed respectively the twenty fifth day of March last.

No honest citizen of Pennsylvania can desire a recurrence of the difficulties and embarrassments, which pervaded the financial transactions of the state in 1829, especially those which pertained to its works of internal improvement; and I trust that none will repine at the payment of a sum so small as that which the acts referred to will require of him, when he must feel assured, that what he pays is to aid in promoting the public welfare, to advance the prosperity and hap-

piness of the people, "to maintain the character and standing of the State in which he lives, and to preserve her strength and resources," and when he is assured; that no other exaction will be required of him in reference to the objects which now create the necessity for the demand, nor will those now demanded of him be required for a longer period than the five years to which the several acts referred to have limited them. Every other state engaged in the improvement of its internal condition, has, it is believed, resorted to taxation for the payment of the interest upon its loans the State of New York, to a heavy tax upon the salt manufactured within the State, and even the comparatively young state of Ohio, which but the other day was a howling wilderness, but which is acquiring immortal honor, in consequence of the splendid and magnificent works of internal improvement now constructing within it, whose citizens are laboring under all the disadvantages attendant upon an almost entire absence of the circulating medium, and all the other difficulties and privations incident to a new country, from the very commencement of its public works, resorted to taxation to meet the interest upon loans for their construction. I have every confidence in my fellow citizens, that as soon as they shall be convinced of the necessity of the measure, and knowing as I do, the jealousy with which they watch over and guard their individual credit, and that with which their patriotism would inspire them in regard to the integrity and safety of that of the State, their objections to making a small contribution annually, for a short period, towards an object which has progressed too far to be abandoned, which has cost too many millions to be now arrested in its successful career, and suffered to go to ruin, and which promises too much future usefulness in elevating the character of the State, delevoping its resources, and increasing the prosperity,

and adding to the wealth and happiness of its people, to be suffered to languish for the want of means so inconsiderable as those required by the revenue bills to which I have referred, must entirely cease. The responsibility incurred in recommending such a measure is felt in all its force; the necessity of the measure to sustain the credit of the State, will, it is believed, ensure its justification; but should it be otherwise, I have only to say, that the man who would prefer an ephemeral popularity to the solid interests of his country, is unworthy of public confidence, and his claims to public favor are certainly not to be envied.

By an act of assembly, entitled "An act to authorize a loan to defray the expenses of the Pennsylvania canal and rail road, and continue for a further time, "an act to incorporate the subscribers to the bank of Pennsylvania, passed the 13th of March, 1830, that institution was required to lend, and the Governor was authorized to borrow, on the credit of the Commonwealth, a sum or sums of money, in the whole not exceeding four millions of dollars, at a premium of five and an half per cent., to be paid into the State treasury, in instalments as mentioned in the act, and bearing an interest of five per cent. per annum, to be applied to canal and rail road purposes; and by the same act the bank of Pennsylvania is required to loan to the Commonwealth one million of dollars annually, for the term of three years from and after the first day of January, 1831, bearing interest at the rate of five per cent. per annum, provided that the same shall be required by law during any one of the three years mentioned in the act. And by another act, passed on the twenty-seventh of March, in the same year, entitled "an act making further appropriations for canals and rail roads," the board of canal commissioners was directed to cause so much of the contracts already made upon the different lines of the canals and rail roads as could

be done, to be completed within that year, and they were enjoined in no way to enter into new contracts for the extension of any line of canal or rail road, except for the erection of a dam at or near Johnstown, and the construction of a canal and necessary works from thence to section number fifty-seven, on the Ligonier line, for the purpose of introducing the water into the Ligonier line of the western division of the canal. Several surveys were directed by this act, and the sum of three millions four hundred and fifty-nine thousand five hundred and thirty-two dollars, was appropriated to be applied to aid in the payment of the temporary loans therefore made, and to canal and rail road purposes, and to be paid out of the loans of that year. In pursuance of this act three and an half miles of canal, below Johnstown, on the western division, were put under contract, and the sum of three millions one hundred and thirty-seven thousand eight hundred and forty-four dollars and eight cents, was disbursed in pursuance of the directions of the last mentioned act.

It may be proper here to remark, that the amount actually paid to the board of canal commissioners, up to the twenty-first of December, 1830, the date of their last report, was ten millions two hundred and forty-six thousand five hundred and sixty-six dollars and forty-six cents. Of this sum, sixty-four thousand two hundred and fifty-five dollars was disbursed in building a dam across the Conemaugh, and constructing three miles and an half of canal for introducing the water into the Ligonier line in the neighborhood of Johnstown, and ten millions one hundred and eighty-two thousand three hundred and eleven dollars and forty-six cents were disbursed in satisfaction of contracts entered into in the years 1826, 1827, 1828, and 1829.

The last act of legislation that took place in relation to this all important subject, was the act of the

last session, entitled "an act to continue the improvement of the State by canals and rail roads, passed the twenty-first day of March last, requiring the canal commissioners to complete, as soon as practicable, the whole of the rail road between the rivers Schuylkill and Susquehanna, beginning at the intersection of Vine and Broad streets, in the city of Philadelphia, and thence extending to the end of the canal basin at Columbia, in the county of Lancaster," towards the completion of which, during the present year, the sum of six hundred thousand dollars was specifically appropriated. They were also directed forthwith to complete the projected canal between the western termination of the rail road at Columbia, and the best point of junction with the Pennsylvania canal at Middletown, in the county of Dauphin, including an aqueduct over the river Swatara, and out-let locks to the river at Columbia, for the expenses and costs of which several works, the sum of one hundred and sixteen thousand one hundred and seventy dollars, was specifically appropriated. They were also directed to commence forthwith, and prosecute without delay, a rail road over and across the Allegheny mountain, from the basin at Hollidaysburg, in the county of Huntingdon, to Johnstown, in the county of Cambria. Also, to commence and prosecute without delay, the extension of the Juniata division of the Pennsylvania canal from the town of Huntingdon, in the county of Huntingdon, to the basin at Hollidaysburg, in the same county, either by canal or slack water navigation, towards the expenditures of which railroad and canal or slack water navigation, during the present year, the sum of seven hundred thousand dollars was specifically appropriated. They were also required to extend, without delay, by canal and slack water navigation, the west branch division of the Pennsylvania canal, from the Muncy dam in the county of Lycoming, to the mouth of the Bald

Eagle creek, in the same county, towards the expenses whereof, during the present year, two hundred thousand dollars were specifically appropriated. Also, a water communication between the town of Lewisburg, in Union county, and the nearest and best point on the west branch division of the Pennsylvania canal, for which the sum of twenty-five thousand dollars was specifically appropriated. Also, the north branch division of the Pennsylvania canal, from the pool of the Nanticoke dam, in the county of Luzerne, by canal or slack water navigation, not to exceed fifteen miles in the same county, towards the expenses whereof, during the present year, the sum of one hundred thousand dollars was specifically appropriated. They were also directed to make a canal or slack water navigation from the Allegheny river, at the mouth of French creek, and up that creek to the French creek feeder; towards the expenses whereof, during the present year, the sum of sixty thousand dollars was specifically appropriated. Also, to make a canal or slack water navigation, from the Ohio river, at the mouth of Big Beaver creek, up that creek to the town of New Castle, towards the expenses whereof, during the present year, the sum of one hundred thousand dollars was specifically appropriated. All of which several specific appropriations were directed to be paid out of the loans directed by said act to be made. And the Governor was authorized to borrow, on the credit of the commonwealth, the sum of two millions four hundred and eighty-three thousand one hundred and sixty-one dollars and eighty eight cents, to be applied to the several objects enumerated in said act. In pursuance of the directions of the act just recited, the board of canal commissioners have put under contract the Columbia and Philadelphia rail road, in length eighty-one miles and an half, the whole cost of which, including steam engines, and necessary works, is estimated at a sum of two

millions two hundred and ninety-seven thousand one hundred and twenty dollars and twenty-one cents. The Allegheny portage rail road, the whole length of which, from the lower end of the basin at Johnstown, to the lower end of the basin at Hollidaysburg, is thirty-six miles two hundred and twenty-one perches, and the estimated cost thereof, including steam engines and all necessary works, is one million two hundred and seventy-one thousand seven hundred and eighteen dollars and eighteen cents. The north branch division of the Pennsylvania canal, from the foot of the Nanticoke dam, a distance of sixteen miles and three hundred and sixteen perches, exclusive of the feeder, three miles and three hundred and five perches slack water, and thirteen miles and eleven perches of canal, the estimated cost whereof is two hundred and twenty thousand five hundred and ninety-four dollars and fifty-six cents. The Lycoming line or West branch division of the Pennsylvania Canal from Muncy dam to the mouth of the Bald Eagle, consisting of thirty one miles and twelve perches of Canal, ten miles and fifty-six perches slack water, together forty one miles and sixty eight perches, the estimated cost of which is five hundred thousand, five hundred and eighty seven dollars and fifty four cents. The Lewisburg Cross Cut, two hundred perches in length, and to cost twenty two thousand dollars. The Frankstown line, consisting of twenty two miles and one hundred and fifty six perches of Canal, and fifteen miles and two hundred and sixty six perches towing path or slack water, making together thirty eight miles and one hundred and two perches in length, the whole cost of which is estimated at the sum of six hundred and ninety eight thousand, one hundred and eighty one dollars and fifty six cents. The Beaver division, extending from the Ohio river, at the mouth of the Big Beaver Creek to the town of New Castle, consisting of sixteen miles and 224,

perches of slack water, and eight miles and 16 perches of Canal, making together twenty four miles and 240 perches in length, and estimated to cost three hundred and thirty five thousand, three hundred and seventeen dollars and eighty two cents. The Eastern division, consisting of eight miles and two hundred and twenty seven perches, between Middletown and Columbia, and out-let locks at Columbia, the estimated cost of which is one hundred and thirty three thousand, eight hundred and four dollars and fifty two cents; and the French creek division from the Allegheny river, at the mouth of French creek, and up that creek to the French creek feeder, consisting of seventeen miles and thirty six perches of slack water navigation, and five miles and fifty two perches of canal; in the aggregate twenty two miles and eighty eight perches, the estimated cost whereof is two hundred and seventy thousand six hundred and eighty one dollars and thirty two cents. The whole extent of new works partially put under contract under the last mentioned act is in the aggregate about two hundred and sixty-seven miles, which added to four hundred and twenty six miles of canal already finished will, when the whole shall be completed, form an extent of improvement by Canals and Rail Roads of six hundred and ninety three miles.

The whole estimated cost of the works contracted for in virtue of the provisions of the act last mentioned is five millions seven hundred and fifty thousand and five dollars and seventy-one cents. For the details in reference to how far the funds arising from the loan negotiated under the act of 21st March last, will be available, and what sum will be required to be borrowed for the further prosecution of the several works to completion, I beg leave to refer the General Assembly to the report of the board of Canal Commissioners.

Of the works recently put under contract and which

have just been enumerated, the Columbia and Philadelphia Rail Road, the Allegheny Portage Rail Road and the Frankstown or Juniata line of Canal and slack water navigation are important connecting links of the line of improvements between Philadelphia and Pittsburgh, without which the several detached lines or divisions which they are intended to connect, would remain comparatively unproductive, but when connected, will not fail to become highly useful and eminently productive. The works contracted for on the North and West branch divisions on the Susquehanna are extensions into the Coal regions of these several districts, which will, it is expected, add largely to the active business of those several lines of Canal, give vigor and energy to the industry of those sections of the state, and by affording the means of conveying a valuable and now almost indispensable mineral to market, will greatly increase the comforts of the citizens of this and of other states, and render the main branches of which they are extensions, highly useful and profitable. The improvements from the Allegheny river at the mouth of French creek, and up that creek to the French creek feeder; as also that from the Ohio river at the mouth of the Big Beaver creek, and up that creek to the town of New Castle, will afford great accommodations to a large and fertile district of country, and by opening safe communications by water to the Allegheny and Ohio rivers, will stimulate the further enterprise of its many enterprising citizens, and facilitate the conveyance of their numerous, diversified and valuable productions to the several markets to which those magnificent rivers lead. I would beg leave here to suggest the propriety of making an appropriation at this session, sufficient to connect the French creek feeder with the French creek and the Conneaut lake, according to the original design, as without such connection it must always remain a most

useless and unproductive work, but if so connected, it may become useful and conduce greatly to increase the business upon the French creek improvement, and to render that a productive and profitable navigation. It is anxiously hoped that the means for finishing the several works now under contract and in active progress will be liberally furnished, and that nothing will be omitted that may have a tendency to facilitate their completion and to render them productive, in order that the state may soon realize the abundant harvest from them which their extent and the magnificent scale on which they are constructed give so much reason to anticipate. The whole amount of money which has been paid to the Treasurer of the Board of Canal Commissioners up to the 23d November, was twelve millions, three hundred thirty-four thousand, four hundred eighty-eight dollars and sixty-two cents—of this sum two millions, ninety-two thousand, seven hundred and two dollars and thirty-seven cents, have been received by him since the date of the last report of the Board of Canal Commissioners, out of which the sum of one million two hundred sixty one thousand, two hundred and sixty-six dollars seven cents, was paid out for repairs and damages connected with and on account of old contracts entered into prior to the year 1830, in which year but $3\frac{1}{2}$ miles of canal was authorised to be constructed. This sum of twelve millions, three hundred and thirty-four thousand, four hundred and eighty-eight dollars and sixty two cents, with the additions that will be required to finish the several works may seem large to most of my fellow citizens, and to constitute a debt that neither we nor our posterity will be able to discharge. I am not one of those who believe a public debt to be a public blessing, nor would I willingly lend my aid as a public functionary to involve the Commonwealth in a visionary scheme of imaginary improvement, the success or practicability

of which would be entirely of doubtful experiment, and the utility or public advantage of which would be altogether problematical or uncertain. Neither of these is in my opinion the case with the plan of improvements now prosecuting in this state: but if it were otherwise, there has been no period within the last two years when the progress of the system could have been arrested without producing consequences not only involving in inextricable ruin and destruction individuals, contractors and others, largely engaged in the construction of the works, but the state itself in difficulties of the most disastrous character, from which it could not have been extricated without incurring the imputation of pursuing a vacillating course of policy, and of a want of good faith in its transactions with individuals; besides being justly chargeable with a want of that bold and magnanimous spirit of enterprize which her abundant resources and the wealth and prosperity she enjoys in such profusion would justly entitle her to entertain and to indulge; the loss of from ten to twelve millions of dollars, and the abandonment to ruin and entire destruction of works, which, when finished, would be considered proud monuments of Pennsylvania's wisdom and greatness, but if abandoned, must and inevitably would be considered the degrading monuments of her imbecility and folly, would, I should suppose, satisfy the most sceptical of the consummate disgrace and ignominy to which such a course of policy must necessarily have subjected her. Besides, without in that case possessing a single work of valuable improvement within the State, her debt, with all the interest accumulating thereon, would, without any aid to be derived from any other source, be drawn from the pockets of the people by a heavy and burdensome taxation. If we may judge from the operations of the New York Canals, which in that great state have, in the course of a few years, caused cities to

spring up in the midst of a howling wilderness, and the wilderness itself to be converted into fruitful fields and to become the resort of the industrious and enterprising from all sections of the country, and which from their almost incredible productiveness leave no room for doubt that in the course of a very few years they will not only pour into the Treasury of the State the millions which their construction cost, but will produce a revenue thereafter permanent and ample for all the purposes to which the State may desire to apply it; we can scarcely permit ourselves to entertain a doubt that a similar state of prosperity and success awaits us and will in a short time manifest itself in the operations upon our own public work; our means of giving full employment to our Canals and Rail roads, when they shall have been finished, being at least equal to, if not greater than those of the State of New York. The abundance of our Coal and Iron, of the former of which they possess none, and of the latter comparatively but small quantities, will give our works advantages in reference to their active business which theirs do not possess; in all other respects too the quantity of our agricultural and other productions which will require transportation to market, and will seek that by the Canals, and Rail Roads, will be at least equal to theirs. May we not then indulge the very reasonable hope, that, if their public works will in a few years pay for themselves by the revenues they produce, ours will do so likewise if we will only exercise sufficient patience to see them finished and placed in a condition to accomplish so desirable, but at the same time so certain a result.

Owing to the unusually protracted rainy season and the continual state of humidity and moisture produced in consequence of it, the public works, which had been finished in the fall of the last and early in the spring of the present year, were not so productive as had been

anticipated. The works being new, the frequent heavy rains affected the banks of the canals which had not become sufficiently settled and firm, and produced repeated breaches, in consequences of which the navigation was often interrupted and rendered precarious and unsafe in regard to the delays which were necessarily by that means occasioned, which begat a want of confidence in the security against the hindrance and want of expedition to which the transportation of produce to market or for return lading upon the canals, would thus necessarily be exposed.

The heavy freshets too which swelled the Conemaugh and Keskiminetas rivers to an extraordinary height, caused great injury and destruction to the public works along the western division of the canal; and the dam at Leechburg, or a large proportion of it having been carried off, it became necessary to construct a new one; this work being an extensive one, required considerable time for its accomplishment, and caused the operations upon that division of the canal to be protracted from early in the month of July, until the present time, but it is rapidly approaching a state when the water will again be introduced, and the navigation restored to its former prosperous and useful condition. The several divisions of the Pennsylvania canal which have recently been in a condition for safe and active navigation, and which give great promise of realizing all the solid advantages, and fulfilling the high expectations in future, which the friends of the system have not ceased to anticipate from them, are the Eastern division from Middletown to Duncan's Island, twenty-four miles in length, part of the Susquehanna division from the out-let lock at Duncan's Island to the commencement of the Juniata division, one mile and fifty-eight hundredths long: the Juniata division extending from Duncan's Island to section No. 184, a quarter of a mile above the town of Huntingdon, in

Huntingdon county, being eighty-nine five one hundredths miles in length. The Susquehanna division extending also from Duncan's Island to the south end of the towing path bridge at Northumberland, being thirty-nine miles in length, including one fifty-eight hundredth miles above mentioned; the North Branch division extending from its intersection with the West Branch, in the basin at the town of Northumberland, to the feeder dam at Nanticoke falls, being fifty-five and an half miles in length, and the Western division above mentioned, extending from Johnstown, in the county of Cambria, to the out-let lock into the Monongahela at Pittsburg, being in length one hundred and four miles and thirty-three hundredths of a mile, to which may be added the Delaware division from Bristol to Easton, being in length fifty nine miles and three quarters, and into which throughout its whole length, it is understood, the water has been very recently admitted.

The amount of tolls received upon the several divisions of the canal, (owing to the causes I have mentioned,) up to the 31st October last, was thirty-eight thousand two hundred and forty-one dollars and twenty cents. It is estimated that the receipts into the treasury from that source, will in the whole of the next season amount to the sum of one hundred and fifty thousand dollars.

For the state of the public works now under contract, and the time of their probable completion, you are respectfully referred to the report of the canal commissioners which will contain, in detail, all the necessary information in reference to the various subjects connected with the internal improvement of the State.

It is a fact, that redounds greatly to the honor of this State, and the recollection of it must always be gratifying to its citizens, that Pennsylvania was the first State in the Union to commence and prosecute with

success the improvement of her internal condition. The first turnpike road ever constructed in the United States is indebted for its commencement and completion to the State of Pennsylvania, and although avarice and prejudice had well nigh demolished that proud monument, the Philadelphia and Lancaster turnpike road, reared by the spirit of improvement that manifested itself at so early a period, by a fierce and violent opposition to it in all its stages; still perseverance overcame opposition; the highly useful and valuable enterprise was eventually completed, and the distance between Philadelphia and Lancaster, which before its construction required nearly as much time to travel it as now occupies the mail stage to perform the journey between Philadelphia and Pittsburg, is now travelled in less than a single day. The success of this substantial and highly useful memorial of the determined perseverance of its projectors, caused the spirit of improvement to spread throughout every portion of the State, and although the spirit of opposition continued, those of improvement and of patriotism triumphed, and we have now within this happy commonwealth, more than twenty-five hundred miles of turnpike roads, and notwithstanding the uniform opposition that has always manifested itself against every attempt to enter upon a new project of improvement, Pennsylvania has now within her limits internal improvements, consisting of turnpike roads, canals, railways and bridges, all of them constructed since the year seventeen hundred and ninety one, for which there has been disbursed from the public treasury of the State, and by corporations, a sum exceeding thirty-seven millions of dollars; and yet, after all these large disbursements, Pennsylvania has not been impoverished, nor is she less prosperous now than she was before these improvements were constructed, and the disbursements made; on the contrary, her prosperity

has been greatly enlarged, and the wealth, the comforts and the happiness of her people have been most astonishingly encreased. What would have been the condition of Pennsylvania, if her turnpike roads had never been constructed, and her bridges had not been built? In that case, instead of possessing an extensive territory of fertile and luxuriant soil, eminently improved, studded with numerous splendid and highly cultivated farms, embellished with beautiful and substantial dwelling houses and barns, and exhibiting one continued scene of abundance, wealth and continually increasing prosperity and comfort, the consequences of the encouragement given, by the opening of those numerous avenues to market, to industry and enterprise, and the strong inducement to increase production thus excited; we should present an immense unimproved surface, with here and there a hut, a slovenly, careless, indifferent state of agriculture, which the want of encouragement, by opening the necessary avenues and conveniences to market, will always produce, and a state of squalid poverty and wretchedness that would contrast badly with the richness of our soil, and the numerous advantages with which the God of nature has favored us, and which he designed we should improve with a view to an increase of our comforts and happiness.

The northern and western regions of Pennsylvania present strong claims for legislative attention to their several interests, and their respective wants. Possessing throughout a rich and exuberantly productive soil, a healthy climate and a capacity to admit of a numerous and dense population, and eminently calculated to confer on that population the blessings of health and abundance, which in connexion with the cheapness of the soil cannot fail to hold out strong inducements to the emigrant, and especially to the young, the industrious and the enterprising to seek for the comforts

and advantages in those sections of the State which are denied to them elsewhere.

The rapid increase of population in that region of the west, which lies between Pittsburg and Lake Erie, and the spirit of enterprise and improvement which is every where visible, the active industry and intelligence of its population, its mineral productions and its entire adaptation to every species of production known to agriculture, or to the most enlarged state of proficiency to which husbandry has attained, give it strong claims to a participation in the advantages of the public improvements now constructing by the State, by opening a line of communication from Pittsburg to Erie Harbour by such route as shall be deemed to possess the greatest possible advantages. The great superiority which a line of improvement, connecting the great eastern and western waters with Lake Erie, would have over the Erie canal, in the State of New York, by presenting an open and safe navigation from four to six weeks earlier in the Spring, and from two to four weeks later in the fall than that afforded by the great New York improvement, would not fail to draw into this State, a large proportion of the trade from the territory of Michigan, and also of that of the State of Ohio. The rapid settlement, and the immense advantages that would immediately result from such an improvement, would not only tend to increase the prosperity of an immense fertile territory, but would add largely to the general wealth, and eminently increase the power, the strength and resources of the State.

The same observations which have been made with regard to the great western region, will apply with all their force to that of the north, and to its valuable, enterprising and industrious population. The people on the North Branch of the Susquehanna, present, it is believed, as strong claims to legislative attention,

with regard to a distribution of its scheme of improvements and an extension of them into that region from the end of the canal now constructing on the North Branch, to the line dividing this State from that of New York, as can be presented from any quarter. A canal or slack water navigation to the State line, would, by a canal for a distance of sixteen miles from thence to the town of Elmira, in the State of New York, give a connection through the Chemung and Seneca canals, and the Seneca and Cayuga canal, with the great Hudson and Erie canal, and thus open a water communication with all the interior of the State of New York. An examination and survey of the route from the waters of the Susquehanna to the Seneca lake was deemed sufficiently important by the legislature to have authorized and caused it to be made during the administration of the late Governor Snyder. It is believed that the advantages resulting from such an improvement would be incalculable—it would possess all the advantages in common with a communication with lake Erie above referred to, in regard to a more early and late navigation in the Spring and Fall than any of the New York canals would afford. Much of the produce of that great and productive State would find vent to the eastern and southern markets by the Pennsylvania canal, and the salt and plaister that would be brought into this State from the State of New York, and the coal and iron that would be taken from Pennsylvania into that State in return, would it is believed abundantly justify the enterprize.

The improvement of the navigation of the Monongahela by means of a slack water navigation from near Pittsburg to Brownsville in the county of Fayette, and the final extension of the canal from Easton to Carpenter's Point on the Delaware, are subjects, it is believed, too important to escape the attention of the legislature.

Having pointed out the eminent advantages which would result from the improvements contemplated in the regions of the West and of the North, and suggested the propriety of improving the navigation of the Monongahela and of the extension of the canal from Easton along the line of the Delaware to Carpenter's Point, it remains for you, to whom the revenues of the commonwealth have been committed, and by whom they can alone be appropriated, to direct when, in what manner, and to what extent those works shall be commenced and prosecuted with a view to their final completion.

The act of incorporation, long sought for by the citizens of York county, granting them the privilege of constructing a rail road to the Maryland line, might, it seems to me, be extended to that enterprizing people, without the danger of compromising the interests of the State of Pennsylvania—when all are to bear their proportion of the public burdens, it is but reasonable that all should participate in the public benefits.

I have received, during the recess of the legislature, from the Governors of the States of Connecticut, New-Hampshire, and Maine, communications enclosing Resolutions of their respective State Legislatures, copies of which will be laid before you.

All the duties enjoined upon the executive by the laws or by resolutions of the legislature, have been promptly discharged.

With the assurance of a most cordial co-operation with you in all such constitutional measures as you shall in your wisdom deem it expedient to adopt for the public good, I commend you to the direction and guidance of Him who alone can lead you in the course of your deliberations, to wise and happy results.

GEO. WOLF.

Harrisburg, December 7, 1831.

To the Assembly with a Communication from the Canal Commissioners.

Gentlemen,

I HEREWITH TRANSMIT TO THE TWO HOUSES copies of a communication received from the Board of Canal Commissioners in relation to the contractors upon the line of the Columbia and Philadelphia rail-road, and more especially to those on the Middle and Western Divisions of the same, and also in reference to the inclined plane section of said rail-road at Columbia, to which I would respectfully invite the immediate attention of the legislature.

GEO. WOLF.

Harrisburg, January 3, 1832.

Canal Commissioners' Room,
January 2, 1831.

His Excellency George Wolf, Governor of Pennsylvania:

Sir—By order of the board of canal commissioners, I have the honor of submitting to you, for the information of the legislature, the following statement.

The act of the 21st March, 1831, appropriates \$2,483,161.88 for certain purposes therein mentioned, and the 6th section of that act vests the sum appropriated in the commissioners of the internal improvement fund, to be applied by them to the repayment of a temporary loan of \$250,000, and to the payment of contracts necessary to finish the work heretofore authorized; and the residue in the manner and for the purposes directed by that act.

On the 15th December, 1831, a statement was received by the canal commissioners from the treasurer of the board, of which the following is a copy.

Treasury Office of Pennsylvania,
December 15th, 1831.

Amount of loan per act of 21st March, 1831,	\$2,483,161 88
Paid temporary loan,	\$250,000 00
Turnpike companies,	125,000 00
Interest on 1st August, 1831,	26,276 10
	<hr/>
	401,276 10

\$2,081,885 78

Paid on account of old work:

Abner Leacock,	\$411 51
John Mitchell,	28 31
Board of canal commissioners,	4,000 00
Board of appraisers,	423 00
John Barber,	93,337 52
Samuel Jones,	135,000 00
James Taggart,	114,239 57
James P. Bull,	58,100 00
Wm. B. Mitchell,	40,000 00
Lord Butler,	28,900 00
Amount yet required,	70,000 00
	<hr/>
	544,439 91
	<hr/>
	\$1,537,445 87
	<hr/>

	Appropriated.	Pro rata.
Columbia and Philadelphia railroad,	\$600,000	\$491,675 64
Columbia canal to Middletown, ...	116,170	95,196 58
Juniata and portage,	700,000	573,621 52
West branch,	200,000	163,891 86
North branch,	100,000	81,945 98
Beaver,	100,000	81,945 98
French creek,	60,000	49,168 31
	<hr/>	<hr/>
	\$1,876,170	\$1,537,445 87

By the foregoing statement, the board were apprised that \$1,876,170, which had been specifically appropriated "towards the expenditures" or new lines "during the present year," was reduced, by "payments of contracts necessary to finish work heretofore authorised," to \$1,537,445.87; hence it became evident that the appropriation to some of the lines must soon be expended.

The anxiety of the canal commissioners to avoid an infraction of the 7th section of the act of March 21st, 1831, which

prohibits them from "incurring debt on the faith of the state, in any way or manner, beyond the appropriation," induced them to pass resolutions.

1st. Dividing the \$573,621.52 applicable to the Juniata division and the Portage rail road, between those lines in proportion to the amount of work under contract on each of them—being \$304,397.52 to the Juniata division and \$269,234 to the Allegheny portage rail road.

2d. Directing the superintendent on the Columbia and Philadelphia railroad, to set apart and retain, from the special appropriation to that line, such a sum as would be necessary to pay contracts then existing, for the iron for said road, and for the twenty miles of the road, west from Philadelphia, under contract; and

3d. That notice should be given to the several superintendents of the unexpended balance of the appropriation, applicable to their lines; and that they should in due time notify the contractors thereof, so as to avoid incurring a debt on the faith of the state.

A few days since letters were received by the board, from the superintendent upon the Columbia and Philadelphia rail road, stating that in conformity with the resolutions of the board, he had "found it necessary immediately to give notice to the contractors upon the middle and western divisions of the rail road;" and he adds that the contractors upon the line "will be thrown into great distress, and under present circumstances all the contractors except those on the twenty miles, will stop work—their horses, carts, and men will be scattered, and when the work shall be ordered to go on again it will be hard to collect them. It is sincerely to be regretted that the grading cannot be prosecuted.

"The whole amount expended under new con-	
tracts of every description, is about	\$285,000 00
Contracts for iron, say \$120,000—\$10,000 of	
which is paid,	110,000 00
	<hr/>
	\$395,000 00
Leaves balance to be expended on 20 miles,	96,675 00
	<hr/>
	\$491,675 00
	<hr/>

"It will, however, be proper further to observe, that the percentage due on the middle and western divisions, is \$33,523.

and that an estimate on work done since the first of December, will be about \$30,000.

"The inclined plane section at Columbia, will be in a deplorable situation; the embankment of the road way along the shore has been put in, and the contractors were vigorously prosecuting the work with 40 carts and 60 or 70 men, in order to secure the embankment by a slope made down to the wharves, which have recently been constructed; and which would have been entirely secured before the breaking up of the river in the spring; but if left in the situation it is now in, will be damaged to the amount of several thousand dollars, to the loss of the commonwealth. \$5,000 would secure the embankment, and it is more than probable that if left, \$5,000 will not repair the damage. Many of the contractors have a large force on hand, and have laid in their winter provisions, and to stop operations will be very ruinous. Under present circumstances we cannot lay out any part of the \$110,000 for the iron until the Delaware opens, and at any rate but a small portion of it would be paid until towards spring."

The Canal Commissioners have, since they received the above letters, passed resolutions directing the Superintendent of the Columbia and Philadelphia railroad to have the work which has been done in the month of December, estimated and paid in the usual manner; and to retain as much of the appropriations as will cover the retained percentage, and the contracts for the iron; leaving the residue of the appropriation applicable to the twenty miles west of Philadelphia.

The Board sincerely hope that immediate provision will be made by the legislature, for continuing the operations on this important branch of the public improvements, either by a further appropriation or by an authority to use the unexpended balance of the present appropriation along the whole line of the rail road. This latter method would keep the work in as active progress as the winter will permit until some time next spring.

The Board avail themselves of the present occasion, to state that unless a fund be soon provided for repairs, the finished portions of the canal cannot all be put in such condition as to secure an active use thereof early next season.

JAMES CLARK, President,
Board Canal Commissioners.

To the Assembly Concerning the Monongahela
Bridge.

Gentlemen—

I HEREWITH TRANSMIT TO THE SENATE AND House of Representatives, copies of a communication from James Ross, Esquire, president, protempore of the board of managers of the Monongahela bridge company, and of certain resolutions accompanying the same, passed at a meeting of the board, at Pittsburgh, on the 21st instant, in reference to the very serious injury recently sustained by that valuable improvement.

Inasmuch as the commonwealth, is a large shareholder in the stock of the company, and as the Legislature alone possesses the power to authorise a compliance with the wishes of the board of managers, I have though it expedient to lay the subject before the two Houses and to recommend it to their immediate and favorable consideration.

GEO. WOLF.

Harrisburg, January 30th, 1832.

Pittsburg, January 21, 1832.

Sir—By order of the board of managers of the Monongahela bridge company, I have the honor of transmitting herewith to you, a copy of their proceedings at a full meeting held to-day, from which you will learn that a very serious and unexpected misfortune has befallen the bridge this morning; by which this noble work has been rendered useless, until it be restored at heavy expense.

The occurrence happened without any unusual pressure or concussion on any part of the bridge; and without attaching blame to any one; unless we censure the deficiency of the original mason-work and foundation of that pier, which being now exposed to view, seems to have been ill constructed at first, and always insufficient.

It will be at once perceived, that little can be done towards repairs, until we learn how far and in what manner the Legislature will co-operate with the company in rebuilding what has been destroyed. But I hope you will excuse me for press-

ing upon your recollection, the earnest request of the board, that an able Engineer be directed to examine and report what ought to be done to effect complete security, and to make a careful estimate of the expenses of a thorough repair throughout, for the consideration of the Legislature and of the stockholders, who cannot decide on the amount of funds to be provided, until they are apprised of what will certainly be wanted.

With high respect, I have the honor to be, sir, your most obedient servant,

JAMES ROSS.

His Excellency, George Wolf, Governor of Pennsylvania.

Pittsburg, 21st January, 1832.

This morning about ten o'clock, the northeastern pier of the Monongahela bridge fell down and drew with it into the river the two arches resting upon it, leaving the remaining six arches and piers without any injury yet discovered. On learning this disaster, the managers of the bridge company assembled at Beale's Hotel, at three o'clock in the afternoon; present, Messrs. Ross, Rahm, Lorenz, Miltenberger, Page, Roseburg, Watson and J. Thaw, treasurer and clerk.

The president, William Wilkins, Esq., being absent from the city, James Ross, Esq., was chosen president pro tem.

After examining and considering the magnitude and actual condition of the loss and its visible disturbance of the navigation of the river, where the wreck occupies four hundred feet of the channel, and endangers the boats in the Harbor.

On motion, it was resolved, That a committee of seven be appointed, whose duty it shall be forthwith to engage careful laborers to remove all materials that obstruct the navigation as speedily as may be, preserving in some safe place such as may be useful in making repairs, and disposing of the residue as they may deem most advisable; and for these purposes they shall have power to make the necessary contracts, and to superintend the execution of them, and a majority of them shall have power to draw warrants on the treasurer for the payment of the workmen thus to be employed. Whereupon, Messrs. Ross, Rahm, Lorenz, Miltenberger, Ormsby, Roseburg and Watson were appointed members of said committee.

Resolved, That immediate application be made to the councils of the city for permission to occupy a portion of the bank on the river side, and of the open space above and below the abutment of the bridge for the purpose of depositing and preserving all materials saved from the wreck, and also for

placing the materials necessary for repairs and reconstruction of the bridge.

Resolved also, That the commonwealth being deeply interested in the capital stock of this bridge, the president is hereby requested to communicate intelligence of this heavy misfortune to the Governor, and to express our anxious wishes that he would direct one or more of the engineers in the service of the state to survey and report what plan ought to be pursued in making thorough and safe repairs of the damage sustained, and to prepare an estimate of the expense of the same, so as to enable the legislature and the other owners of the bridge to decide promptly on the measures to be adopted for restoring this important public work.

JAMES ROSS, President, P. T.

Attest:

John Thaw, Clerk.



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